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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

GIGANEWS, INC.. a Texas
corporation; LIVEWIRE
SERVICES, INC., a Nevada
corporation; and DOES 1 through
100, inclusive,

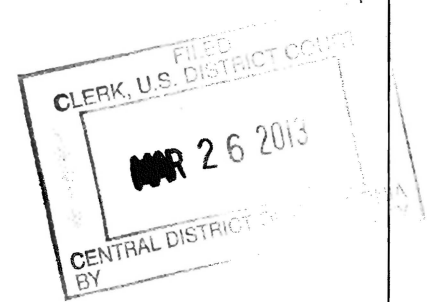
Defendants.

Case No.: 2:11-CV-07098-ABC-SH

Before Honorable Audrey B. Collins

**FIRST AMENDED COMPLAINT
FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL



1 Plaintiff Perfect 10, Inc. (“Perfect 10”) avers:

2 **JURISDICTION AND VENUE**

3 1. **Jurisdiction.** This action arises under the Copyright Act, 17 U.S.C.
4 § 101 *et seq.*, and the Lanham Act, 15 U.S.C. § 1051 *et seq.* This Court has
5 jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331,
6 1338(a) and (b) and principles of supplemental jurisdiction.

7 2. **Venue.** Venue is proper in this judicial district pursuant to 28
8 U.S.C. § 1391 (b)(2), (c), and § 1400(a).

9 3. **Personal Jurisdiction.** Personal jurisdiction may be asserted over the
10 Defendants because the wrongful activity at issue concerns Defendants’
11 operation of commercial businesses through which Defendants knowingly
12 transact business and enter into contracts with individuals in California.
13 Specifically, Defendants contract with California customers to sell monthly
14 memberships for their services, which include the illegal reproduction,
15 distribution, and display of copyrighted materials to California customers.
16 Defendants also receive much of their revenue from Visa, Inc., a corporation
17 headquartered in California. Each of the Defendants, therefore, has purposefully
18 availed itself of the privilege of doing business in California, and material
19 elements of Defendants’ wrongdoing occurred in this State.

20 **THE PARTIES**

21 4. Plaintiff Perfect 10 is a California corporation. Plaintiff published
22 the popular magazine PERFECT 10 and owns and operates the internet website
23 located at *perfect10.com*.

24 5. Defendant Giganews, Inc., (“Giganews”) owns and operates one of
25 the largest, if not the largest, infringing paysites in the world, *giganews.com*.
26 On information and belief, Giganews also owns, operates, or controls the
27 website *supernews.com*, which is operated in a fashion similar to *giganews.com*.
28 Giganews has at least 10,000,000 customers, to whom it offers more than

1 9,000,000,000,000,000 (9,000 trillion) bytes of stolen movies, computer
2 programs, songs, images, and other materials, which it elects to copy onto its
3 servers and sell without permission from the rights holders. Giganews has
4 contracted to provide access to a substantial portion of the 9,000 trillion bytes of
5 infringing content on its servers to one or more of Defendant Livewire Services'
6 ("Livewire") websites who effectively acts as a Giganews reseller:
7 rhinonewsgroups.com, powerusenet.com, infinityusenet.com, eurousenet.com,
8 galacticgroups.com, cheapnewsgroups.com, fastusenet.com, usenetgiant.com,
9 and usenet.net. To the extent that Giganews has supplied Livewire or
10 Livewire's users with infringing Perfect 10 images, it directly infringed Perfect
11 10's exclusive right of reproduction and distribution in the process. *See*
12 paragraph 37, below.

13 6. Defendant Livewire Services, Inc. owned, operated, and/or
14 controlled the Internet websites located at rhinonewsgroups.com,
15 powerusenet.com, infinityusenet.com, eurousenet.com, galacticgroups.com,
16 cheapnewsgroups.com, fastusenet.com, usenetgiant.com, and usenet.net, among
17 others. On information and belief, several of these websites have been closed
18 down in the last few years, so that the primary Livewire websites that are still
19 operating are rhinonewsgroups.com, powerusenet.com, and usenet.net. Livewire
20 sells the infringing material it receives from Giganews at different prices,
21 depending on usage. Livewire contracts with Giganews for content, the vast
22 preponderance of which, such a full length movies, popular songs, computer
23 software, and images of celebrities as well as celebrity fakes, is obviously
24 infringing. It sells that content to its users for various prices, depending and the
25 speed and quantity of content delivered. Livewire offers a substantial portion of
26 the infringing content offered by Giganews. The involvement of Livewire in
27 the direct, contributory, and vicarious infringement of Perfect 10 copyrights is
28 explained in more detail in paragraphs 59-66 below.

1 7. Ronald Yokubaitis (“Yokubaitis”) is the Digital Millenium
2 Copyright Act (“DMCA”) agent for gigantnews.com, supernews.com, and all of
3 the infringing Livewire websites identified above. On information and belief,
4 Yokubaitis and his family own and control both Gigantnews and Livewire. The
5 address of Livewire as listed on its DMCA filing at the U.S. Copyright Office, is
6 1044 Liberty Park Drive, Austin, Texas 78746, which is the same address listed
7 for Gigantnews. Thus, the knowledge of infringement that Gigantnews possesses, is
8 also possessed by Livewire.

9 8. The massive computer resources including computer servers that
10 store the 9,000,000,000,000,000 bytes of infringing movies, songs, computer
11 software, and images offered by gigantnews.com are owned and/or controlled by
12 Gigantnews and are located in Austin, TX at Data Foundry, Inc., which is
13 controlled and/or operated by Yokubaitis family.

14 9. Does 1 through 100, inclusive, which are businesses owned or
15 controlled by Defendants either directly or indirectly, or third parties paid by
16 Defendants to assist them in their infringement, profit from and/or directly or
17 indirectly infringe or facilitate the infringement of Perfect 10 intellectual
18 property, are sued herein under fictitious names because their true names and
19 capacities are unknown to Perfect 10.

20 10. When Perfect 10 ascertains the Doe Defendants’ true names and
21 capacities, it will seek leave to amend this complaint to insert such true names
22 and capacities. Perfect 10 is informed and believes, and on that basis avers, that
23 each Doe Defendant acted with Defendants and is responsible for the harm and
24 damages to Perfect 10 herein averred. Each of the Defendants and the Doe
25 Defendants are referred to hereinafter collectively as “Defendants.”

26 11. Gigantnews, Livewire, and Data Foundry each have the same listed
27 address of 1044 Liberty Park Drive in Austin, TX 78746. Perfect 10 is informed
28 and believes, and on that basis avers, that at all times material herein, each of the

1 Defendants acted under common control and was the agent and/or employee of
2 the other Defendants, and, in doing the things herein averred, was acting within
3 the course and scope of such agency and employment.

4 12. Perfect 10 is informed and believes, and on that basis avers, that at
5 all times material herein, each of the Defendants knew about, and contributed to
6 each other's infringement. Both Defendants have attempted to conceal their
7 identities by registering their websites using Internet registration services that
8 hide the identity of the registered owner, and by failing to provide any contact
9 person, address or telephone number on their websites.

10 **THE BUSINESS OF PERFECT 10**

11 13. The business of Perfect 10 consists of the design, creation,
12 production, marketing, promotion, and sale of copyrighted adult entertainment
13 products, including photographs, magazines, video productions, and other
14 media.

15 14. Perfect 10 was the publisher of the well-known magazine
16 PERFECT 10, but was forced to close that magazine because of rampant
17 infringement.

18 15. Perfect 10 creates or created, and sells or sold, calendars and other
19 merchandise featuring its images, and was involved in the licensing of
20 downloads of images for cell phones, but is not currently earning revenue from
21 that endeavor because of rampant infringement.

22 16. Perfect 10 owns and operates the internet website *perfect10.com*.
23 Consumers are provided access to content owned by Perfect 10 and made
24 available by payment of a membership fee of \$25.50 per month.

25 17. Perfect 10's revenues are currently derived predominantly from
26 sales of memberships to its *perfect10.com* website. Sales of memberships to the
27 *perfect10.com* website are made by providing the customer with an individual
28 user name and password to access the website.

1 18. The Perfect 10 Copyrighted Works: Perfect 10 owns thousands of
2 valuable and unique copyrighted photographs, as well as video productions and
3 other proprietary materials, some of which are identified in Exhibit 1. As set
4 forth in Exhibit 1, a substantial number of the copyrighted photographs are
5 registered with the U.S. Copyright Office and others are pending registration.
6 Perfect 10 owns the copyrights in and to these works (the “Perfect 10
7 Copyrighted Works”). A few samples of the Perfect 10 copyrighted images that
8 Defendants have infringed are included as Exhibits 4-6. Perfect 10 has invested,
9 and continues to invest, substantial sums of money, time, effort, and creative
10 talent to make and produce the Perfect 10 Copyrighted Works. In addition, in
11 order to produce and sell the Perfect 10 Copyrighted Works, Perfect 10 is
12 required to make numerous payments, including but not limited to model fees,
13 photographer fees, location costs, styling costs, make-up costs, printing costs,
14 film and processing costs, travel costs, as well as distribution, public relations,
15 legal, and advertising and promotion costs.

16 19. The Perfect 10 Marks: Perfect 10 also is the owner of the valuable
17 and well-known Perfect 10 family of trademarks, including but not limited to
18 PERFECT 10, PERFECT10.COM, and P10 (the “Perfect 10 Marks”). These
19 marks are used in commerce by Perfect 10 on and in connection with the sale of
20 its products and services, including PERFECT 10 Magazine and *perfect10.com*.
21 Perfect 10 has spent millions of dollars advertising and promoting the Perfect 10
22 Marks and Perfect 10 products and services bearing these marks. Perfect 10 has
23 built and owns the valuable goodwill symbolized by the Perfect 10 Marks.
24 Three of Perfect 10's registered trademarks, registration numbers 2235145,
25 2202643, and 2573998, have become incontestable under Section 15 of the
26 Lanham Act, 15 U.S.C. Section 1065.

27 20. Goods and services bearing the Perfect 10 Marks have been
28 featured and/or talked about on numerous television and radio shows (including

1 *The Tonight Show, The Sopranos, The Amazing Race, Entourage, The Howard*
 2 *Stern Show, Dawson's Creek, Battledome, Fox News, Hard Copy, Entertainment*
 3 *Tonight, Extra, The Dating Game, Temptation Island, Monday Night Football,*
 4 *Hannity & Colmes, The O'Reilly Factor, The View, and Jenny Jones), in motion*
 5 *pictures (including Orphan, Superbad, Knocked Up, Spiderman, American Pie,*
 6 *Hollow Man, and The Way of the Gun), and in newspapers and periodicals.*

7 21. The Perfect 10 Rights of Publicity: Perfect 10 contracts with
 8 models in connection with its magazine and website. Perfect 10 secures
 9 assignments from some of those models of their rights of publicity (the "Perfect
 10 10 Rights of Publicity"). The Perfect 10 Rights of Publicity are valuable
 11 because the identities, including the names and likenesses of these models are
 12 well-known and popular and attract/attracted purchasers of PERFECT 10
 13 magazine and visitors and subscribers to *perfect10.com*.

14 22. The success of Perfect 10's business is almost entirely dependent
 15 on its intellectual property rights. Therefore, the ongoing and massive
 16 infringements of Perfect 10's rights, as herein described, is devastating to, and
 17 threatens the existence of, Perfect 10's business.

18 **THE BUSINESS OF GIGANEWS**

19 23. Giganews operates the internet website *giganews.com* among
 20 others. Livewire operates or has operated the internet websites
 21 *rhinonewsgroups.com, powerusernet.com, infinityusernet.com, eurousenet.com,*
 22 *galacticgroups.com, cheapnewsgroups.com, fastusernet.com, usenetgiant.com,*
 23 *and usenet.net, among others. At one time, Giganews owned the domain name*
 24 *usenet.net, and upon information and belief, still does. Upon information and*
 25 *belief, Giganews sells infringing content to Livewire. Upon information and*
 26 *belief, the Yokubaitis family owns or controls both Giganews and Livewire.*

27 24. Giganews sells access to at least 9,000,000,000,000,000 bytes
 28 (9,000 trillion bytes) of stolen movies, songs, computer software, images, and

1 other materials to its customers, virtually every major popular movie, popular
2 song, popular software program, and image ever created, for anywhere from
3 \$4.99 per month up to \$34.99 a month, depending on the amount of material
4 desired by the user and the speed of delivery. *See* Exhibit 2, p. 1. The more
5 material and speed desired, the greater the cost to the user. Giganews' \$34.99
6 "diamond membership" also includes a newsreader which Giganews created
7 called "Mimo," and a Giganews "VyprVPN" service which allows users to
8 conceal their infringing activities. Exhibit 2, pp. 1, 7.

9 25. Giganews claims that it has at least 10,000,000 customers. Exhibit
10 2, p. 1. At \$15 a month, the cost of Giganews' "Silver" plan, that would equate
11 to revenues to Giganews from the sale of infringing content, of \$1.8 billion/year,
12 making it, upon information and belief, by far the world's largest and most
13 profitable infringing paysite. Giganews makes this money without paying rights
14 holders anything.

15 26. Giganews writes its own server code, builds its own network, and
16 deploys servers in Europe, North America, and Asia to copy, display, and
17 distribute its infringing content. Giganews contends that it stores on its own
18 servers, and makes available movies, songs, images, computer software, and
19 other materials for 1,677 days, its "retention period." Exhibit 2, p. 3.

20 27. To receive content from Giganews, the user must pay Giganews
21 between \$4.99 a month and \$34.99 a month. In exchange for this payment the
22 user receives a Giganews username and password.

23 28. The user must also purchase a subscription to use a newsreader,
24 either the Mimo newsreader offered by Giganews, or some other newsreader,
25 such as "Newsrover."

26 29. The user then inputs their Giganews username and password into
27 their newsreader (such as Giganews' newsreader Mimo), and then has several
28 options. One option is to simply use the Mimo browser's default setting to

1 search on a particular term, such as “perfect10,” “perfectten,” “P10,”
2 “RoM_P10,” or “P10_Vol” across a portion of “newsgroups” selected by
3 Giganews. Although called “newsgroups” by Giganews, such groups are not
4 newsworthy but rather consist simply of massive quantities of extremely
5 valuable, obviously copyrighted, material to which Giganews has no rights. The
6 Mimo browser displays full-size images. *See* Exhibit 2, pp. 5-6; Exhibit 5.

7 30. Page 1 of Exhibit 3 provides examples of some of the materials
8 returned by Giganews and its newsreader in response to a search on “P10_Vol”
9 using the Giganews newsreader Mimo’s default setting. The column entitled
10 “Poster” has the “name” of the party that purportedly posted the material shown
11 on the left hand side of page 1, to the Group (alt.binaries.amp) shown in the
12 column furthest to the right. In this case the “name” of the purported poster is
13 “here@there.com (rolly).” The column “Age” indicates the number of days that
14 Giganews has stored these materials on its servers, and offered them to its
15 customers, which in this case is 1,524 days, or slightly more than four years.
16 Under the column headed “Subject,” are various materials, which are frequently
17 mischaracterized as “articles,” suggesting some type of newsworthy purpose,
18 when they are simply messages with infringing images. These “articles” end
19 with terms such as “Rom_P10_Vol_4_#5_033_Julija_04.jpg.” This specific
20 term indicates that the image comes from Perfect 10 Magazine Volume 4,
21 Number 5, is the fourth image of a model whose first name is “Julija,” and is
22 approximately the 33rd page of model images made available in that issue. The
23 “articles” on page 1 of Exhibit 3 are largely consecutive pages from Perfect 10
24 Magazine Volume 4, Number 5. Defendants offer to their users every page of
25 that issue that contains a model image, along with other essentially complete
26 issues of Perfect 10 magazine. *See* Exhibit 4.

27 31. Giganews also allows users to select a particular group of infringing
28 materials (often mischaracterized as a “newsgroup” when it is simply pirated

1 material) and then conduct much more extensive searches just on that
2 “newsgroup” as it is stored on Giganew’s servers. Pages 2 and 3 of Exhibit 3
3 provide a few examples of materials offered by Giganews from the “newsgroup”
4 alt.binaries.pictures.diva. On page 2, two of the “articles” are titled “FP –
5 P10_2005” and “FP P10_2004.” On page 3, there are files titled “FP –
6 P10_2006” and “FP-P10_2007.” These names along with their massive file
7 sizes (857 million bytes, 819 million bytes, 635 million bytes and 906 million
8 bytes, respectively) upon information and belief most likely mean that the files
9 contain all of the material that was added to the Perfect 10 website in each of the
10 respective years 2004, 2005, 2006, and 2007. On page 3, there is also a file
11 offered entitled “P10Website April 2001FP” which is 74 million bytes, and
12 likely represents all of the new material that Perfect 10 put on its website in
13 April of 2001.

14 32. Giganews allows its customers to download whatever images they
15 select on the Mimo screen, full-size, onto their computers. Exhibit 4 contains
16 examples of materials that were downloaded in this fashion by Perfect 10 on
17 March 14, 2013, more than 4 years after Perfect 10 sent its first notice to
18 Giganews. Exhibit 4 consists of what are essentially complete versions of
19 Perfect 10 magazine Volume 4 Number 4, Volume 4 Number 5, and Volume 4
20 Number 3. The thumbnails shown represent full-size images that were printed
21 by Perfect 10 for reasons of space. The images are offered to users full-size.

22 **GIGANEWS DIRECTLY INFRINGES PERFECT 10’S DISPLAY RIGHT**

23 33. Giganews offers its news reader Mimo for free to its \$34.99/month
24 diamond members. Giganews displays tens of thousands of full-size Perfect 10
25 images via that newsreader, as shown in Exhibit 5. Giganews is solely
26 responsible for the displays of the images shown in Exhibit 5, which Giganews
27 stores on its servers, sends to the user, and then displays on the user’s screen via
28 the Giganews Mimo browser.

GIGANEWS DIRECTLY REPRODUCES PERFECT 10 IMAGES

Giganews Itself Copies Perfect 10's Copyrighted Works

34. Giganews has directly infringed Perfect 10 copyrighted works by reproduction in at least four different ways. First, Giganews itself (not its customers) has copied tens of thousands of Perfect 10 Copyrighted Works including works bearing Perfect 10 copyright notices from various Internet locations and placed those images on Giganews servers. Giganews refers to that part of the Internet where it made its copies as the "USENET." However, the damage to Perfect 10 is the same whether Giganews copied its infringing Perfect 10 images from the "USENET" or from some other Internet location.

35. When Giganews goes to various Internet locations and makes copies of thousands of Perfect 10 images, it is not at the direction of third parties. Giganews itself elects to make such copies without permission from the rights holders. Furthermore, Giganews has copied thousands of Perfect 10 images which display Perfect 10 copyright notices or from "articles" with headings such as P10website or "FP-P10_2007" and therefore has knowledge of that infringement before it makes those copies.

Reproduction Occurs When Giganews' Customers Request Copies

36. Second, when a Giganews customer makes a request for a copy of a Perfect 10 image from Giganews' servers, Giganews makes a copy of that image and sends it over the Internet to that user. At the end of this operation, an additional copy of that Perfect 10 image resides with that Giganews customer. If 1,000 Giganews customers ask for the same image, Giganews will make 1,000 copies of that image and distribute those copies to those customers. The technical procedure by which Giganews reproduces and distributes copies of infringing materials upon request, is not substantially different from the operation of any other infringing password protected paysite.

Giganews Reproduces Perfect 10 Images for Livewire

1 37. Third, when a Livewire customer makes a request for a copy of a
2 Perfect 10 image, that image is either reproduced by Giganews and a copy
3 directly distributed through the Internet to the user by Giganews at Livewire's
4 request, or, in the alternative, Giganews had reproduced that image at an earlier
5 time and already provided it to Livewire so that it was residing on Livewire's
6 servers. In either case, Giganews reproduced and distributed that image, either
7 directly to the Livewire user, or directly to Livewire.

8 **Reproduction Occurs When a Customer Uploads an Image**

9 38. Fourth, in the less frequent instance where a user wishes to upload a
10 Perfect 10 image to Giganews' servers (Giganews claims that more than 20% of
11 the material on its servers is uploaded by users, *see* Exhibit 2, p. 4), if that
12 happens at all, Giganews elects to create a copy of that image and place it on
13 Giganews' servers, thus again creating an additional infringing copy. Giganews
14 can refuse to create such copies and store them on its servers, particularly if they
15 are of materials that are obviously infringing on their face, such as blockbuster
16 full-length Hollywood movies, musical albums, celebrity fakes, or groups of
17 images with titles such as "perfecttengallery" or "P10 website."

18 39. When users actually upload a Perfect 10 image to Giganews'
19 servers, it is not stored at the direction of a third party because Giganews keeps
20 that material as long as *it* desires, currently 1677 days, independent of the user's
21 wishes. In other words, once the image or movie has been uploaded by an
22 independent third party (if this ever occurs), that image or movie is under the
23 complete control of Giganews and is used by Giganews for commercial purposes
24 without the rights holder's permission for as long as Giganews desires.

25 **Giganews' Involvement With Purported Uploaders**

26 40. In addition, Perfect 10 alleges on information and belief, that one or
27 more of the purported uploaders of infringing Perfect 10 images, either to the
28 "USENET," or to Giganews' servers, have been Giganews' employees. Perfect

1 10 bases this allegation on a number of facts. First, the identities of the
2 purported uploaders of infringing Perfect 10 images to either the USENET or to
3 Giganews's servers, consist of "names" like here@there.com, me@not.eu, and
4 nowhere@somewhere.com, which are all obviously phony. *See* Exhibit 9.
5 Perfect 10 has repeatedly asked Giganews for the true identities of such parties.
6 Giganews has refused to identify any of them. Giganews has further not sent
7 Perfect 10 any counter notifications from the parties who Giganews claimed
8 uploaded Perfect 10 images, in response to Perfect 10's DMCA notices.

9 41. Second, the parties who purportedly uploaded Perfect 10's website
10 to the USENET and/or to Giganews' servers, appear to have done so in an
11 extraordinarily organized and professional fashion. Those who uploaded Perfect
12 10 material did not upload just a few images at random – they uploaded
13 essentially the entire Perfect 10 website. The files are massive in size, and
14 would take months to aggregate and upload. For example, to upload all of the
15 Perfect 10 magazines as Giganews offers them (*see, e.g.*, Exhibit 4), someone
16 would have to purchase each magazine, tear it into separate pages, purchase a
17 high quality scanner, scan each page, and then label each page by Volume and
18 Issue number, model name, and even count the number of pages with images on
19 them and include that number as well. *See* Exhibit 3, p. 1; Exhibit 4. Not only
20 does it appear that the materials added to the website during a particular year
21 have been added as separate zipped files (*see* Exhibit 3, pp. 2-3), but the
22 purported posters appear to know what other posters have contributed. For
23 example, page 4 of Exhibit 3 shows an instance in which one poster,
24 "me@not.eu" stopped posting at image 433, and then 23 days later, another
25 poster, "Yenc@power-post.org" continued posting with image 434 from the
26 identical set of Perfect 10 images.

27 42. Third, the time required to upload an entire major Hollywood
28 movie was overwhelming just a few years ago, and still enormous. The movie

1 typically has to be broken into many pieces, and each piece has to be uploaded
2 separately. To upload hundreds of movies to USENET or to Giganews' servers,
3 would be a full-time job, and subject the uploader to severe penalties for
4 criminal copyright infringement. It is highly unlikely that anyone would take
5 such a risk and undertake such a time consuming project without substantial
6 compensation.

7 43. Fourth, Megaupload.com, an entity whom Perfect 10 sued
8 previously, also claimed that its users, and not it, uploaded infringing materials
9 to its servers. Yet, the Justice Department, in furtherance of a criminal
10 prosecution, discovered emails involving Bram Van Der Kolk (the main
11 programmer for Megaupload.com and its DMCA agent) which shows that
12 *Megaupload itself* uploaded massive quantities of copyrighted works to its own
13 servers. *See* Exhibit 10, pp. 19-20, 29, 32-33, 39-40. Thus, it is reasonable to
14 conclude that Giganews – which similarly derives extraordinary financial
15 benefits from the ability to supply pirated works – likewise uploads the
16 infringing materials as well either to the USENET, or to its own servers.

17 **GIGANEWS DIRECTLY DISTRIBUTES PERFECT 10 IMAGES**

18 44. When a user requests a Perfect 10 image from Giganew's servers,
19 Giganews must make a copy of that image and then send it via the Internet to the
20 user. In the process Giganews directly infringes Perfect 10's distribution right.

21 **GIGANEWS' KNOWLEDGE OF INFRINGEMENT**

22 45. On March 25, 2009, Perfect 10 sent to Ronald Yokubaitis, the
23 DMCA agent for Giganews and Livewire, a notice identifying approximately
24 800 Perfect 10 Copyrighted Images, a number of which displayed Perfect 10
25 copyright notices. Giganews wrote back claiming that it could not find the
26 allegedly infringing images based on that notice, which was simply not correct.
27 Giganews could have found each and every one of those images by using its
28 own search function to search for the image identifiers provided with Perfect

1 10's notice. Once it found an infringing Perfect 10 image in a particular group
2 of such images, it could have blocked other Perfect 10 images displaying Perfect
3 10 copyright notices in that same group, but elected not to do so.

4 46. Between June 28, 2011 and August 17, 2011, Perfect 10 sent to the
5 DMCA agent for Giganews and Livewire services, Ronald Yokubaitis, at least
6 41 additional DMCA notices which identified approximately 14,560 infringing
7 copies of Perfect 10 images stored on Defendants' servers, and offered to the
8 public. In those notices, Perfect 10 explained how Defendants could readily find
9 and remove such images. For example, on August 18, 2011, Perfect 10 sent a
10 notice which stated, "I obtained all of the images in this notice (which are all
11 infringing) by doing a newsrover search on 8/17/2011 on 'P10 Vol 3 04.' All of
12 the images that appear as a result of that search are copyrighted by Perfect 10. I
13 have included below each infringing image the image identifier for that image,
14 which as I explained previously, can be searched on using News Rover to find
15 the infringing post. Any portion of that image identifier can be searched on as
16 well. Because the image identifiers of all of the images in this notice contain the
17 term 'P10 Vol 3 04,' that is the logical term to search on."

18 47. In response to Perfect 10's notices of August 6 through August 18,
19 which identified approximately 923 Perfect 10 copyrighted images, Perfect 10
20 received a letter from attorneys representing Giganews, stating that Giganews
21 would process those notices, confirming what Perfect 10 had been saying all
22 along, which is that its notices provided Defendants with sufficient information
23 to find and remove the infringing material.

24 48. On January 3, 2012, Perfect 10 complained to Visa about
25 Giganews' infringement of other Perfect 10 images. Perfect 10 sent Visa a
26 DMCA notice identifying approximately 484 Perfect 10 images. Perfect 10
27 subsequently received an email from Visa stating that those images had been
28 removed as well.

1 49. At least four other Usenet “providers” have processed notices
2 similar to notices which Perfect 10 has sent to Defendants.

3 50. Perfect 10 has also sent to the DMCA agent for Giganews and
4 Livewire services, Ronald Yokubaitis, DMCA notices which identified at least
5 several hundred celebrity fake images consisting of a celebrity’s face
6 superimposed on the body of a Perfect 10 copyrighted image (which was
7 typically tasteful). *See* Exhibit 6 for several such examples of images offered by
8 Defendants, which consist of the faces of Christina Aguilera, Bridget Fonda,
9 Halle Berry, Jennifer Lopez, Kate Beckinsale, Katie Holmes, and Natalie
10 Portman, superimposed on portions of images copyrighted by Perfect 10.

11 51. Perfect 10 also sent to the DMCA agent for Giganews and
12 Livewire services, examples of images which Defendants were selling to their
13 uses, which consisted images of a celebrity’s face superimposed on a third party
14 image depicting explicit sex, so that the overall image was highly defamatory.
15 As far as Perfect 10 can determine, Defendants have never taken any action to
16 stop providing thousands of such defamatory images to their users.

17 52. Between June 25, 2011, and September 24, 2011, Perfect 10 has
18 sent to Giganews at least 10 unfair competition notices which identified in total,
19 at least 165 pages of obviously infringing materials that Giganews was making
20 available to its users without permission from the rights holders. This material
21 included many songs by ABBA, Avril Lavigne, Billy Idol, Bon Jovi, Carlos
22 Santana, Celine Dion, Craig David, Duran Duran, the Eagles, Eminem,
23 Fleetwood Mac, Genesis, James Taylor, Jimmy Hendrix, Mariah Carey, Michael
24 Jackson, Oasis, Pear Jam, Phil Collins, Shakira, The Phantom of the Opera,
25 Tracy Champman, and Whitney Houston; episodes of TV series such as CSI
26 Miami; pages of pirated software offered by Giganews belonging to Microsoft
27 (such as the Windows 7 and XP operating systems), Apple, Disney, Adobe,
28 Oracle, and Sony; pages of material clearly marked “bootlegged;” and examples

1 of the infringement and/or dilution of Perfect 10's trademarks by Defendants.
2 (*See* Exhibit 11 for a sample). Perfect 10 explained to Giganews that such
3 materials were obviously infringing and that Perfect 10 could not compete with
4 entities like Giganews, which steal and sell massive quantities of obviously
5 copyrighted works, in competition against Perfect 10, who pays for materials it
6 sells. As far as Perfect 10 can tell, Giganews did absolutely nothing in response
7 to those notices.

8 53. Giganews has copied thousands of Perfect 10 images which display
9 Perfect 10 copyright notices or from "articles" with headings such as
10 "P10website" or "FP-P10_2007" and therefore has knowledge of that
11 infringement before it makes those copies. By offering its users massive
12 quantities of Perfect 10 images and other pirated materials for next to nothing,
13 by providing its users with the Mimo newsreader and enormous bandwidth to
14 download massive quantities of infringing images at superhigh speeds, and by
15 offering its users the ability to conceal their infringing activities via Giganew's
16 VyprVPN software, Giganews induces its customers to infringe on a massive
17 scale.

18 54. Giganews has knowledge, when it elects to make copies of fake
19 images of celebrities from "newsgroups" such as alt.binaries.celeb.fake and
20 alt.binaries.pictures.nude.celebrities.fake, that it is copying and distributing
21 obviously unauthorized images. Hundreds of the images from those groups use
22 a Perfect 10 image for the purported body of the celebrity and infringe Perfect
23 10's copyrights. *See* Exhibit 7.

24 55. Whereas the USENET may have at one time contained significant
25 amounts of legal materials, most of the interest in the USENET is now centered
26 around material in the "alt.binaries.*" newsgroups, which consist almost
27 exclusively of pirated materials, including movies, songs, images, and computer
28 software. Categories under the alt.binaries hierarchy include "movies,"

1 “pictures” and “warez” (which refers to illegal copies of copyrighted works.).
2 On April 20, 2011, the alt.binaries.warez newsgroup contained 141,614,302
3 articles. As of April 20, 2011, 99% of the “articles” in the alt.binaries.*
4 newsgroup were pirated copyrighted works. A number of Internet service
5 providers such as Sprint and Verizon have blocked their users’ access to the
6 alt.binaries.* newsgroups. Defendants’ ability to generate monthly subscriptions
7 and revenues is based almost exclusively on the demand for pirated copyrighted
8 works contained in the alt.binaries* hierarchies. Examples of obviously
9 infringing “newsgroups” offered by Giganews are shown in Exhibit 7. Exhibit 7
10 consists of groups whose names clearly indicate infringement, which include the
11 Trademarked terms “Playboy,” the “Beatles,” and the term “warez,” as well as
12 the term “movie.”

13 56. The “USENET” now is well known to consist almost exclusively of
14 obviously infringing materials. In fact, approximately 99.9% of the “USENET”
15 now consists of materials stored on the servers of 13 infringing websites,
16 including Giganews.com, according to the website newsadmin.com. See Exhibit
17 8. The operators of these 13 infringing websites often refer to themselves as
18 “USENET providers” in order to attempt to shield themselves from liability for
19 what they actually are -- massive infringers of copyright.

20 57. Giganews is aware that it is illegally copying, reproducing,
21 distributing, displaying, and selling massive quantities of infringing materials
22 because it does not own the rights to any of the materials.

23 **GIGANEWS HAS COMPLETE CONTROL OVER THE MATERIAL IT**
24 **PROVIDES TO ITS USERS**

25 58. Giganews completely controls the materials that it offers to its users
26 and the materials it copies without permission of the copyright holder. For
27 example, Giganews could elect not to copy any content from newsgroups that
28 are infringing on their face, such as alt.binaries.celeb.fake, or ,

1 alt.binaries.dvd.movies. Giganews also controls how long it stores such
2 unauthorized materials on its servers, and whether it sells or displays them to its
3 users. Upon information and belief, Giganews also controls and determines not
4 only the materials it provides to users who employ the Mimo browser's default
5 setting, but even offers a significant number of Perfect 10 infringing images as
6 one file in zipped format (*see* Exhibit 3, pp. 2-3), unlike at least one other
7 newsreader, Newsrover.

8 **THE BUSINESS OF LIVEWIRE**

9 59. Livewire owned, operated, and/or controlled the Internet websites
10 located at rhinonewsgroups.com, powerusenet.com, infinityusenet.com,
11 eurousenet.com, galacticgroups.com, cheapnewsgroups.com, fastusenet.com,
12 usenetgiant.com, and usenet.net, among others. Livewire sells the infringing
13 material it receives from Giganews at different prices, depending on usage.
14 Livewire contracts with Giganews for content, the vast preponderance of which,
15 such a full length movies, popular songs, computer software, and images of
16 celebrities as well as celebrity fakes, is obviously infringing. It sells that content
17 to its users. Livewire offers a substantial portion of the infringing content
18 offered by Giganews. Upon information and believe, Livewire is operated
19 and/or controlled by the Yokubaitis family, which also operates or controls
20 Giganews.

21 **LIVEWIRE'S KNOWLEDGE OF INFRINGEMENT**

22 60. The DMCA agent for Livewire, Ronald Yokubaitis, is also the
23 DMCA agent for Giganews. Furthermore, Livewire contracts with Giganews to
24 receive Perfect 10 images (and other infringing material) from Giganews.
25 Consequently, the 42 DMCA notices that Perfect 10 provided to Ronald
26 Yokubaitis (the DMCA agent for both Giganews and Livewire), provided both
27 companies with sufficient knowledge of infringement for the purposes of Perfect
28 10's contributory liability claim against Livewire.

61. Livewire also has knowledge that it is offering infringing Perfect 10 images and other infringing materials because of the names of the groups it is offering, such as “P10Website,” “perfecttengallery,” and “P10 Vol 3 #4,” because most of the Perfect 10 images that it offers display Perfect 10 copyright notices (*see* Exhibits 3 and 5); because it has no rights to the material it is offering and knows that Giganews has no rights as well; and because it should know that celebrity fake images (*see* Exhibit 6), full length Hollywood movies, recent songs by major recording artists, and Windows 7 operating systems and other major software programs cannot possibly be legally copied and distributed by Livewire without permission from the rights holders. By offering its users massive quantities of pirated materials for next to nothing, Livewire induces its customers to infringe.

LIVEWIRE’S DIRECT AND SECONDARY INFRINGEMENT

62. A number of Livewire websites are hosted by 1and1 Internet in Pennsylvania, which on information and belief, is a hosting company distinct from Giganews’ Data Foundry hosting company in Austin, TX. To the extent that the images offered by Livewire websites reside on servers owned or controlled by Livewire (*see* paragraph 37, above), Livewire directly infringes Perfect 10’s reproduction right when it makes copies of images requested by its users and then provides those copies to them, as discussed with respect to Giganews above at paragraphs 36-37. Livewire directly infringes Perfect 10’s distribution right when it sends those copies of Perfect 10 images to its users over the Internet. In either event, Livewire materially contributes to the infringement of Perfect 10 images by contracting to receive them from Giganews and selling them to Livewire customers.

63. Livewire has complete control over the materials it purchases from Giganews and provides to its clients. It has complete control over Giganews, the infringer from which it receives its content, because Livewire is

1 owned/operated/and or controlled by the same parties (the Yokubaitis family).

2 64. Livewire financially benefits from the infringing materials it
3 provides to its users, and in fact, virtually its entire business is based on the
4 infringing materials it provides. Like Giganews, Livewire charges different
5 prices to its users depending on the amount and speed with which they desire
6 their content.

7 65. Giganews and Livewire have in total, copied, distributed, displayed,
8 and sold, more than 267,000 copies of Perfect 10 copyrighted images, most of
9 which display Perfect 10 copyright notices, and in addition, are in groups of
10 images which contain a Perfect 10 trademark in their description, such as
11 “Perfect10” or “P10 Website.”

12 66. All of the Perfect 10 Copyrighted Works which Defendants provide
13 to consumers are used without authorization. Defendants engage in and
14 facilitate the massive and ongoing violations of Perfect 10’s rights (as well as
15 third-party rights) even though Defendants are aware that Perfect 10 never
16 authorized or consented to the use by Defendants of the Perfect 10 Copyrighted
17 Works, the Perfect 10 Marks, or the Perfect 10 Rights of Publicity.

18
19 **FIRST CLAIM FOR RELIEF**
20 **(Copyright Infringement)**
21 **Against All Defendants**

22 67. Perfect 10 re-avers and incorporates herein by reference each and
23 every averment of paragraphs 1 through 66 above as though fully set forth
24 herein.

25 68. Perfect 10 is the owner of all right, title, and interest to each of the
26 Perfect 10 Copyrighted Works. Perfect 10 has registered its works with the
27 United States Copyright Office. Perfect 10 has been issued United States
28 copyright certificates some of which are listed on Exhibit 1, attached hereto.

69. Each of the Perfect 10 Copyrighted Works consists of material original with Perfect 10 and each is copyrightable subject matter.

70. Defendants have copied, reproduced, distributed, adapted, and/or publicly displayed the Perfect 10 Copyrighted Works without the consent or authority of Perfect 10, thereby directly infringing Perfect 10's copyrights. An example of Giganews' direct infringement of Perfect 10's copyrighted works by display is shown in Exhibit 5. Giganews' involvement in the direct infringement of Perfect 10's copyrights is explained in paragraphs 33-44.

71. Defendants' conduct constitutes infringement of Perfect 10's copyrights and exclusive rights under copyright in the Perfect 10 Copyrighted Works in violation of Sections 106 and 501, *et. seq.* of the United States Copyright Act, 17 U.S.C. §§106 and 501.

72. Defendants have induced, caused, turned a blind eye toward, aided and abetted, and/or materially contributed to unauthorized copying, reproduction, adaptation, public display, and/or distribution of the Perfect 10 Copyrighted Works. By offering their customers massive quantities of pirated materials for next to nothing, providing them with the enormous bandwidth necessary to download massive quantities of copyrighted content at high speed, and further offering their users the ability to conceal their infringing activities, Defendants have induced their customers to infringe.

73. Defendants have knowledge of infringement, based on the 42 DMCA notices that they have received from Perfect 10, the fact that the notices were sent to the DMCA agent for both Giganews and Livewire, and for a number of other reasons, including that Defendants know that they do not have any rights to copy, display, distribute, or sell Perfect 10 images, and because most of those images display Perfect 10 copyright notices.

74. Defendants' conduct constitutes contributory infringement of Perfect 10's copyrights and exclusive rights under copyright in the Perfect 10

1 Copyrighted Works.

2 75. Defendants have directly profited from the infringement of Perfect
3 10's copyrighted works, and possess the right and ability to stop the sale of those
4 works to their customers because they control every aspect of the copying,
5 distribution, and sale of the pirated materials that are stored on their servers.

6 76. Defendants' conduct constitutes vicarious infringement of Perfect
7 10's copyrights and exclusive rights under copyright in the Perfect 10
8 Copyrighted Works.

9 77. The infringement of Perfect 10's rights in and to each of the Perfect
10 10 Copyrighted Works constitutes a separate and distinct act of infringement.

11 78. The acts of infringement by Defendants have been willful,
12 intentional, and purposeful, in reckless disregard of and with indifference to the
13 rights of Perfect 10.

14 79. As a direct and proximate result of the infringements by Defendants
15 of Perfect 10's copyrights and exclusive rights under copyright in the Perfect 10
16 Copyrighted Works, Perfect 10 is entitled to its actual damages and Defendants'
17 profits pursuant to 17 U.S.C. § 504(b).

18 80. Alternatively, Perfect 10 is entitled to statutory damages, pursuant
19 to 17 U.S.C. § 504(c).

20 81. Defendants' conduct is causing and, unless enjoined and restrained
21 by this Court, will continue to cause, Perfect 10 great and irreparable injury that
22 cannot fully be compensated in money. Perfect 10 has no adequate remedy at
23 law. Pursuant to 17 U.S.C. § 502, Perfect 10 is entitled to injunctive relief
24 prohibiting further infringements of Perfect 10's copyrights.

25 82. Perfect 10 further is entitled to its attorneys' fees and costs pursuant
26 to 17 U.S.C. § 505.

27

28

PRAYER FOR RELIEF

WHEREFORE, plaintiff Perfect 10 prays for judgment against Defendants, and each of the Doe Defendants, jointly and severally, as follows:

1. That Defendants and their officers, agents, servants, employees, representatives, successors, and assigns, and all persons in active concert or participation with them, be temporarily, preliminarily and permanently enjoined from:

a. copying, reproducing, distributing, adapting, selling access to, or publicly displaying the Perfect 10 Copyrighted Works;

b. posting Perfect 10 copyrighted photographs on the internet;

c. copying, reproducing, distributing, adapting, selling access to, or publicly displaying celebrity fakes which place a celebrity's face on the body of an image copyrighted by Perfect 10; and

d. inducing, causing, materially contributing to, and profiting from the foregoing acts committed by others.

2. That Defendants be ordered to destroy all photographs, documents, and other items, electronic or otherwise, in its possession, custody, or control, that infringe the copyrights, trademarks, or rights of publicity of Perfect 10.

3. For an order of restitution and/or disgorgement in the amount of the benefit to Defendants by reason of their unlawful conduct, in an amount to be proven at trial, but not less than \$5 million.

4. For Perfect 10's actual damages, in an amount to be proven at trial, but not less than \$5 million.

5. For a full accounting of all profits, income, receipts, or other benefits derived by Defendants as a result of its unlawful conduct.

6. For statutory damages under the Copyright Act, in an amount to be proven at trial, but not less than \$5 million.

7. For punitive damages.

1 8. For the imposition of a constructive trust.

2 9. For attorneys' fees and full costs.

3 10. For such other and further relief as this Court deems just and
4 appropriate.

5 Dated: March 21, 2013

Respectfully submitted,
PERFECT 10, INC.

6
7 By: _____

8 Natalie Locke
9 Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

Perfect 10 hereby demands a jury trial pursuant to Rule 38(b) of the Federal Rules of Civil Procedure.

Dated: March 21, 2013

Respectfully submitted,
PERFECT 10, INC.

By: _____

Natalie Locke
Attorneys for Plaintiff

First Amended Complaint Exhibit 1

PERFECT 10'S COPYRIGHT REGISTRATIONS

TX 4-556-514	TX 6-203-680	V3560 D878	VA 1-301-850
TX 4-556-511	TX 6-203-677	V3569 D607	VA 1-301-851
TX 4-556-482	TX 6-543-260	V3569 D607	VA 1-301-852
TX 4-556-510	TX 6-543-478	V3569D607	VA 1-307-983
TX 4-556-475	VA 996-673	VA 1-201-268	VA 1-307-984
TX 4-556-541	VA 1-085-670	VA 1-201-268	VA 1-307-985
TX 4-812-575	VA 1-177-241	VA 1-201-269	VA 1-307-986
TX 4-813-355	VA 1-230-966	VA 1-202-771	VA 1-308-089
TX 4-812-793	VA 1-289-549	VA 1-207-270	VA 1-308-090
TX 4-813-026	VA 1-289-550	VA 1-208-244	VA 1-308-136
TX 4-812-972	VA 1-289-701	VA 1-208-275	VA 1-308-137
TX 4-813-344	VA 1-289-809	VA 1-208-295	VA 1-308-138
TX 4-813-338	VA 1-308-085	VA 1-221-373	VA 1-313-231
TX 4-813-390	VA 1-308-126	VA 1-230-967	VA 1-321-521
TX 5-172-229	VA 1-308-128	VA 1-231-092	VA 1-321-522
TX 5-201-630	VA 1-313-176	VA 1-231-093	VA 1-321-523
TX 5-217-598	VA 1-337-645	VA 1-289-551	VA 1-321-524
TX 5-328-427	VA 1-351-877	VA 1-289-552	VA 1-321-525
TX 5-328-528	VA 1-359-323	VA 1-289-553	VA 1-321-527
TX 5-328-636	VA 1-377-136	VA 1-289-554	VA 1-337-644
TX 5-488-941	VA 1-377-240	VA 1-289-555	VA 1-337-664
TX 5-488-942	VA 1-394-707	VA 1-289-556	VA 1-340-262
TX 5-451-806	VA 1-407-570	VA 1-289-557	VA 1-341-527
TX 5-452-020	VA 1-410-598	VA 1-289-566	VA 1-345-740
TX 5-452-132	VA 1-422-627	VA 1-289-569	VA 1-345-743
TX 5-452-254	VA 987-612	VA 1-289-570	VA 1-345-745
TX 5-452-489	VA 1-026-167	VA 1-289-571	VA 1-345-747
TX 5-802-012	V3498 D888	VA 1-289-573	VA 1-347-289
TX 5-802-272	V3527 D778	VA 1-289-576	VA 1-356-951
TX 5-802-273	V3527 D778	VA 1-289-577	VA 1-356-952
TX 5-910-170	V3527 D779	VA 1-289-578	VA 1-369-768
TX 5-910-171	V3527 D779	VA 1-289-580	VA 1-377-135
TX 6-058-397	V3527D779	VA 1-289-582	VA 1-377-248
TX 5-910-331	V3532 D237	VA 1-289-661	VA 1-386-685
TX 6-114-746	V3532 D238	VA 1-289-662	VA 1-391-325
TX 6-114-841	V3532 D238	VA 1-289-663	VA 1-391-326
TX 6-114-841	V3537 D147	VA 1-289-664	VA 1-391-546
TX 6-115-010	V3537 D147	VA 1-289-666	VA 1-391-550
TX 6-346-157	V3560 D787	VA 1-289-704	VA 1-391-551
TX 6-346-128	V3560 D878	VA 1-289-705	VA 1-391-552

PERFECT 10'S COPYRIGHT REGISTRATIONS

VA 1-392-589	VA 1-397-076	VA 1-428-519	VA 1-428-560
VA 1-392-590	VA 1-397-077	VA 1-428-520	VA 1-428-561
VA 1-392-864	VA 1-397-963	VA 1-428-521	VA 1-428-562
VA 1-393-373	VA 1-401-161	VA 1-428-522	VA 1-428-564
VA 1-394-067	VA 1-401-162	VA 1-428-523	VA 1-428-565
VA 1-396-363	VA 1-410-409	VA 1-428-524	VA 1-428-566
VA 1-396-364	VA 1-424-074	VA 1-428-525	VA 1-428-567
VA 1-396-367	VA 1-425-191	VA 1-428-526	VA 1-428-596
VA 1-396-368	VA 1-426-141	VA 1-428-527	VA 1-428-730
VA 1-396-369	VA 1-426-142	VA 1-428-528	VA 1-428-731
VA 1-396-370	VA 1-426-143	VA 1-428-529	VA 1-428-732
VA 1-396-375	VA 1-426-144	VA 1-428-530	VA 1-428-733
VA 1-396-376	VA 1-426-145	VA 1-428-531	VA 1-428-734
VA 1-396-377	VA 1-426-146	VA 1-428-533	VA 1-428-736
VA 1-396-379	VA 1-426-147	VA 1-428-534	VA 1-428-738
VA 1-396-383	VA 1-426-148	VA 1-428-535	VA 1-428-740
VA 1-396-384	VA 1-426-149	VA 1-428-536	VA 1-428-741
VA 1-396-390	VA 1-426-150	VA 1-428-537	VA 1-428-742
VA 1-396-393	VA 1-426-151	VA 1-428-538	VA 1-428-743
VA 1-396-394	VA 1-426-288	VA 1-428-539	VA 1-428-744
VA 1-396-396	VA 1-426-289	VA 1-428-540	VA 1-428-745
VA 1-396-397	VA 1-426-290	VA 1-428-541	VA 1-428-746
VA 1-397-049	VA 1-426-291	VA 1-428-542	VA 1-428-751
VA 1-397-050	VA 1-426-292	VA 1-428-543	VA 1-428-752
VA 1-397-051	VA 1-426-293	VA 1-428-544	VA 1-428-753
VA 1-397-052	VA 1-426-294	VA 1-428-545	VA 1-428-754
VA 1-397-053	VA 1-428-251	VA 1-428-546	VA 1-428-755
VA 1-397-054	VA 1-428-506	VA 1-428-547	VA 1-428-756
VA 1-397-055	VA 1-428-507	VA 1-428-548	VA 1-428-757
VA 1-397-056	VA 1-428-508	VA 1-428-549	VA 1-428-758
VA 1-397-057	VA 1-428-509	VA 1-428-550	VA 1-428-759
VA 1-397-058	VA 1-428-510	VA 1-428-551	VA 1-428-760
VA 1-397-059	VA 1-428-511	VA 1-428-552	VA 1-428-761
VA 1-397-060	VA 1-428-512	VA 1-428-553	VA 1-428-763
VA 1-397-061	VA 1-428-513	VA 1-428-554	VA 1-428-764
VA 1-397-062	VA 1-428-514	VA 1-428-555	VA 1-428-765
VA 1-397-064	VA 1-428-515	VA 1-428-556	VA 1-428-766
VA 1-397-070	VA 1-428-516	VA 1-428-557	VA 1-428-767
VA 1-397-071	VA 1-428-517	VA 1-428-558	VA 1-428-768
VA 1-397-075	VA 1-428-518	VA 1-428-559	VA 1-428-769

PERFECT 10'S COPYRIGHT REGISTRATIONS

VA 1-428-770
VA 1-428-772
VA 1-428-773
VA 1-428-774
VA 1-428-775
VA 1-429-008
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VA 1-429-473
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VA 1-429-476
VA 1-429-477

PERFECT 10'S COPYRIGHT REGISTRATIONS

VA 1-429-525
VA 1-429-617
VA 1-429-618
VA 1-429-619
VA 1-429-620
VA 1-429-621
VA 1-429-622
VA 1-429-657
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PERFECT 10'S COPYRIGHT REGISTRATIONS

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PERFECT 10'S COPYRIGHT REGISTRATIONS

VA 1-433-008	VA 1-630-331	VA 1-646-246	VA 1-668-107
VA 1-433-062	VA 1-630-334	VA 1-646-247	VA 1-668-230
VA 1-433-063	VA 1-630-341	VA 1-646-257	VA 1-668-231
VA 1-433-064	VA 1-630-363	VA 1-646-259	VA 1-668-232
VA 1-433-065	VA 1-630-365	VA 1-646-269	VA 1-668-235
VA 1-433-066	VA 1-630-374	VA 1-646-273	VA 1-668-236
VA 1-433-067	VA 1-630-377	VA 1-646-281	VA 1-668-245
VA 1-433-068	VA 1-630-384	VA 1-646-292	VA 1-669-420
VA 1-433-069	VA 1-630-387	VA 1-646-300	VA 1-669-441
VA 1-433-070	VA 1-630-389	VA 1-646-305	VAU 671-253
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VA 1-433-090	VA 1-645-643	VA 1-667-615	
VA 1-433-091	VA 1-645-655	VA 1-668-082	
VA 1-433-092	VA 1-645-667	VA 1-668-083	
VA 1-433-093	VA 1-645-681	VA 1-668-084	
VA 1-625-653	VA 1-645-711	VA 1-668-085	
VA 1-628-766	VA 1-645-712	VA 1-668-086	
VA 1-628-767	VA 1-645-714	VA 1-668-087	
VA 1-628-769	VA 1-645-715	VA 1-668-088	
VA 1-628-773	VA 1-645-720	VA 1-668-089	
VA 1-629-329	VA 1-646-201	VA 1-668-090	
VA 1-629-369	VA 1-646-211	VA 1-668-094	
VA 1-629-373	VA 1-646-216	VA 1-668-096	
VA 1-629-378	VA 1-646-223	VA 1-668-099	
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First Amended Complaint Exhibit 2

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A **newsgroup provider** or **Usenet provider** is simply a company or organization which provides access to Usenet newsgroups. A **newsgroup provider** may be your Internet Service Provider (ISP), corporate network, educational institution, or a premium provider like Giganews. ISP, corporate, or institution based Usenet servers are typically a watered down version of what you would get through a premium **newsgroup service provider** like Giganews. These Usenet servers typically exclude binary groups or offer limited **retention**. **Giganews is the world's largest newsgroup provider, providing direct access to over 10 million homes** in over 180 different countries."

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Freaking legendary people delivering freaking legendary service at a freaking legendary price.

Jia - Morris Plains, New Jersey

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Feb 28

VyprVPN for Mac updated to version 1.1!

Feb 20

Dump Truck for iOS updated to version 1.1 - iPhone 5 support and more...

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New User Interface (and more) for Dump Truck for Android

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Exh. 2, Pg. 1

http://www.giganews.com/usenet-glossary/Newsgroup-Provider-Usenet-Provider-Usenet-Service-Provider.html[3/9/2013 10:12:00 AM]

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Comments



MONDAY, MAY 02, 2011

Announcing 1000 Days Retention & Prize Giveaway Winners!

Today, Giganews became the first Usenet provider to ever store 1000 days of binary newsgroups retention – and we will continue to grow our retention over the coming months. Giganews customers have **over nine petabytes of redundant storage** at their fingertips, and every day, we add more space.



It's one thing to offer long retention. It's another thing to offer high-quality long retention. Some competitors claim to have long retention, but when you look closer, you see the long retention is only in some groups, older articles are slower, and many older files are incomplete.

We built our infrastructure from the ground up with a focus on scalability. That's why, when you pull a 1000 day old article, it downloads just as fast as one posted today. You'll find the same quality and length of retention across all 109,000+ newsgroups, not just a select number of groups.

To celebrate this milestone, we created the [1000 Days Prize Giveaway](#). All members were automatically entered into the giveaway. Members could earn additional entries by "Liking" us on [Facebook](#), "Following" us on [Twitter](#), using [Mimo Usenet Browser + Search](#) or being selected in the Top 10 Salutes.

Today, we wrapped up the contest and are excited to [announce the winners](#).

Remember, by having an active Giganews account **you were automatically entered into the giveaway**, so you may have won even if you did nothing.

[See if you've won now](#), and thank you to every Giganews customer for participating!

Labels: [1000 days](#), [contest](#), [retention](#)

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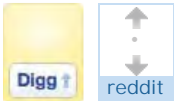
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Support Overview
Welcome Kit
Usenet Support
VyprVPN Support
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English
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Retention

Retention refers to the length of time [articles](#) are stored in a Usenet system. **Retention** is usually determined by "first in - last out" logic where the oldest articles are deleted as new articles are stored. The oldest article in a Usenet system is typically what defines that system's **retention**. **Giganews offers 1677 days binary newsgroup retention** and 3547 days text newsgroup **retention**."

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What People are Saying

- low price for big performance - big security

- i am happy german member

Udo - Neuruppin, Germany

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VyprVPN for Mac updated to version 1.1!

Feb 20

Dump Truck for iOS updated to version 1.1 - iPhone 5 support and more...

Feb 12

New User Interface (and more) for Dump Truck for Android



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Completion

Completion refers to the percentage of [articles](#) a Usenet server actually has versus how many articles that server could possibly have. Many potential issues, such as network congestion, under powered feeding servers, down time, poor peering, and data loss may result in a Usenet server missing articles. When a Usenet server is missing a lot of articles it is said to have a low "**Completion Rate**". Giganews maintains a near perfect 99.5%+ **completion** rate.

Completion issues can be overcome by establishing extensive peering relationships with other Usenet servers and by making sure supporting systems like Internet connectivity, processors, and storage devices have plenty of capacity and are finely tuned.

As the largest Tier 1 [Usenet provider](#), Giganews is in a unique position regarding **completion**. [Over 20% of Usenet articles are posted directly via one of Giganews' global Usenet clusters](#), thus making Giganews the world's largest source of Usenet [posts](#). As the world's largest source of Usenet posts, every Usenet system on the planet must maintain some sort of direct or indirect peering relationship with Giganews, thus making sure that every Usenet article passes through one of our Usenet servers at some point.

In addition to being the world's most peered Usenet system, Giganews also maintains the most advanced Usenet cluster available. With multiple levels of redundancy and tons of extra capacity, Giganews is able to quickly and efficiently route articles throughout our cluster thus reducing the likelihood that articles will be lost in transit."

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SILVER

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What People are Saying

I love the price, the simplicity and the damn cool Mimo. And the VPN! Oh my gosh, the VPN is the deal breaker!

Zhiva - Bærum, Norway

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VyprVPN for Mac updated to version 1.1!
- Feb 20

Dump Truck for iOS updated to version 1.1 - iPhone 5 support and more...
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New User Interface (and more) for Dump Truck for Android

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1 6 7 7 DAYS OF RETENTION



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18

Mimo Usenet Browser + Search

In order to access Usenet, you need a Usenet browser and Usenet service. Mimo is a multi-platform Usenet Browser designed specifically for Giganews' multi-year retention. Mimo is optimized for faster browsing, searching and downloads and features integrated search and **advanced image viewing**.

Already a Giganews Member?

Diamond Account: **Included Free**

All Other Accounts: **Not Available**
[Download Mimo](#)

Why Choose Mimo?



Active Development & Support

Mimo is in active development and will be updated frequently. Unlike other newsreaders which have ceased development or don't support Giganews' full retention, Mimo will continually evolve to support the Giganews Usenet service.



Integrated Search

Mimo is the only Usenet browser that can search Giganews' world-leading retention. Two Usenet search engines (Mimo Usenet Search and NZBIndex search) are integrated with Mimo for free.



Auto RAR and PAR

Mimo verifies the integrity of your files as you download for increased speed. "Par in parallel" while you download. No third party software is needed.



Optimized for Giganews

Mimo is the world's only Usenet browser that dynamically indexes Giganews' full retention. Giganews Accelerator technology is also built-in for faster header downloads.



Advanced Download Management

Mimo queues multiple downloads and offers flexibility to adjust their priority using all available connections. Easily view your download progress and automatically resume interrupted downloads.



Windows and Mac Supported

Mimo supports Windows and Mac OS X

Mimo Usenet Search Features

- ✓ Dynamic indexing of Giganews' multi-year retention
- ✓ Searches across all groups
- ✓ Subject-based searching
- ✓ Filtering based on text, binaries and images
- ✓ Search servers optimized for speed



Diamond accounts now include **VyprVPN**, **Dump Truck** and **Mimo** for FREE!


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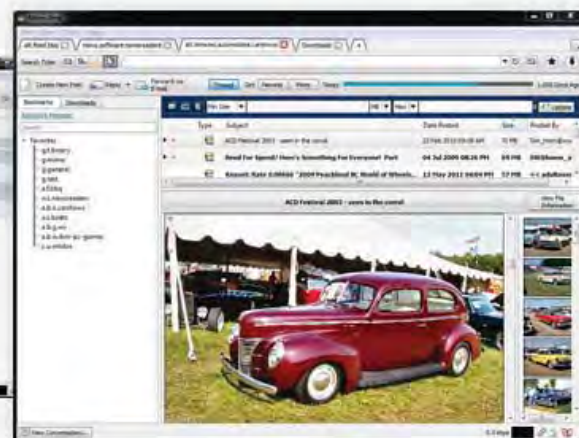
SIGN UP



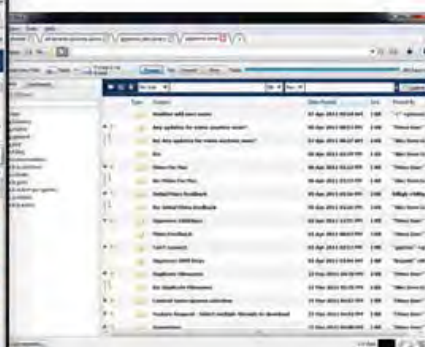
Mimo Usenet Browser + Search

Advanced Image Viewing

Built-in RAR and PAR



Threaded Messaging



Integrated Search optimized
for Giganews retention



Giganews Accelerator Built-
in



Advanced download
management



Windows and Mac
supported



Active Development &
Support



Mimo Usenet Browser + Search

In order to access Usenet, you need a Usenet browser and Usenet service. Mimo is a multi-platform Usenet Browser designed by Golden Frog specifically for Giganews' multi-year retention. Mimo is optimized for faster browsing, searching and downloads and features integrated search and advanced image viewing.

[Download Mimo](#)

FREE with a Diamond Account

Why Choose Mimo?

- Active Development & Support - Although Mimo is still in Beta, **Golden Frog is actively developing Mimo** and will release updates frequently. Unlike other newsreaders which have ceased development or don't support Giganews' full retention, Mimo will continue to evolve to support the Giganews Usenet service.
- Integrated Search - **Mimo is the only Usenet browser that can search Giganews' world leading retention.** Two Usenet search engines (Golden Frog Usenet Search and Nzbindex search) are integrated with Mimo at no additional cost.
- Auto RAR and PAR - Mimo verifies the integrity of your files as you download for increased speed. "Par in parallel" while you download. No third party software is needed.



Setup is Easy!

- Download and install Mimo. Windows or Mac OS X 10.6 required.
- Enter your Giganews username and password*.
- Start using Mimo!

* Diamond account required - [Signup](#) | [Upgrade](#)

ExEx082Pg16



providing basic security.



corporate networks.



OpenVPN

OpenVPN is the premier VPN protocol designed for modern broadband networks providing the best speed and stability over long distances.



NAT Firewall

NAT Firewall is a packet filter that blocks third parties from exploiting security vulnerabilities.



Diamond accounts now include VyprVPN, Dump Truck and Mimo for FREE!



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Usenet University
Contact Support


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Usenet Personal Account Terms of Service

Please read the following terms and conditions carefully. By signing up with Giganews, you agree to abide by the following terms, as well as our Acceptable Usage Policy. Please contact us if you have any questions.

Privacy and Security

Computer security and privacy are complex issues. It is important to understand these points:

- We will cooperate with law enforcement officials and with other system administrators in the legitimate investigation of suspicious activity.
- Intentional violations of the privacy of other users, whether on our system or at another site, will be grounds for immediate termination of your account and may lead to criminal prosecution or civil penalties.
- We will not intentionally disclose the contents of private files without the member's permission or a court order.

Copyright Infringement And Hacking

You are responsible for determining the legal status of any intellectual property you use or duplicate through our system. Some of the material available on the network is copyrighted, and some of it may have been distributed in violation of copyright laws. We cannot and do not review the information flowing through or stored on our system.

You agree not to violate copyright laws by transferring copyrighted works through our system or by causing them to be transferred or stored without the permission of the copyright holder. Posting of copyrighted materials without the permission of the copyright holder can be grounds for suspension of posting or termination of your account.

We consider the exchange of information about security mechanisms to be protected speech. However, traffic in access codes, credit card numbers, or similar information is a crime that we take seriously. We expect you to respect the rights and privacy of all users and to use your account only for lawful purposes.

Controversial and Explicit Material

We cannot be and are not responsible for the contents of any of your communications through Giganews. The Internet and Usenet are large communities that regard censorship as worse than obscenity. Through our service, you will have access to and you will at some time or another become exposed to materials that you find offensive. Such materials include sexually explicit text and (encoded) images, pro-religious and anti-religious debate, questionable political views, and hateful speech. Giganews expressly disclaims liability for any harm resulting from encountering such material.

Account Usage

Giganews individual accounts are offered as single user, personal accounts. This means that only the owner of the account is allowed to use that account. Sharing of accounts is not allowed and may be cause for termination. The account owner accepts full responsibility for all usage of the account. If an account owner chooses to allow others to access their account, Giganews will still hold the account owner responsible for any instances of inappropriate or abusive posting through that account.

Billing & Settlement

Continuing Service Invoice

Continuing services will be billed in advance. Each month's invoice will be generated on or near your monthly billing anniversary date, and at any time your account is upgraded or recycled. Payment is due upon receipt.

Your account will automatically be renewed at the end of each service period, repeating the length of the previous service period, unless you specify otherwise. You can upgrade your service, downgrade your service, or recycle your account using our online control panel. You can cancel your service only by submitting the Cancellation Request form on our online Control Panel.

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Giganews is the FASTEST and most RELIABLE server I have used. I constantly recommend it to my friends and family.

Robert - Waupun, Wisconsin

Recent Blog Posts

- Feb 28

VyprVPN for Mac updated to version 1.1!
- Feb 20

Dump Truck for iOS updated to version 1.1 - iPhone 5 support and more...
- Feb 12

New User Interface (and more) for Dump Truck for Android



Download Giganews Accelerator now!

The Control Panel is located at <http://www.giganews.com/>.

Download Measurement and Accounting

Downloads are measured in bytes, as the articles leave our servers, and downloads are recorded, and charged to the current period, at the time the session ends. When the download limit of your account is reached, all access will be suspended completely until the account is recycled, upgraded, or renewed on the regular monthly renewal date.

If you are in the middle of a download when you reach the download limit, Giganews may, or may not, (at our sole discretion), allow you to complete the download. Bytes downloaded beyond the limit of the account may be charged to the following period, and may be cumulative, conceivably being charged to more than one future period if the limit is exceeded by a large amount.

Usage Notification

You may be notified by e-mail, at the address on record, when you approach or reach your download limit. You may also monitor the status of your downloads using our online Control Panel at <http://www.giganews.com/>.

Invoice Notification

Your only method for reviewing your invoices will be through the online control panel.

Payment

Giganews will accept payment via credit card and PayPal. We will attempt to charge your credit card for any balance on your account. If the first charge attempt for an invoice fails, service will be suspended. Service will be resumed when you either request us to charge the card again or give us a different card number using our online Control Panel at <http://www.giganews.com/>. If payment for an invoice fails repeatedly, you may need to contact our billing office via e-mail at billing@giganews.com to reactivate your service.

Cancellation

Your Giganews service can be cancelled only from our online Control Panel at <http://www.giganews.com/>, by the required times, as specified below.

All accounts are renewed automatically until a cancellation request is received.

Cancellations during any trial period offered by Giganews must be entered prior to the end of the trial period, specified on the startup e-mail.

Cancellations of regular (non-trial) accounts must be entered prior to the end of the current service period in order for them to take effect before the next service period begins. Cancellations submitted after the next service period begins, will take effect when that next service period is completed. Accounts rotate to the next service period, on the date indicated, at or shortly after midnight, US Central Time.

Refunds

No refunds will be given under any circumstances. No refunds will be considered for accounts deleted for violation of our Terms of Service or Acceptable Use Policy.

Dump Truck Data Retention:

We will retain data stored on the Dump Truck service (the "Dump Truck Data") for as long as your account is active or as needed to provide you services. After you cancel your account, we may retain the Dump Truck Data as necessary to comply with our legal obligations, resolve disputes, and enforce our agreements. Where possible (and subject to the foregoing), we generally remove the Dump Truck Data within 30 days of cancellation of service.

Duplicate Accounts

Creation of multiple accounts will require payment in full for each account created. Cancellation and refund provisions apply to each account, without regard to any other accounts you may have with Giganews.

Valid E-mail Address

Giganews provides all support and member service by e-mail. A valid e-mail address is a prerequisite to obtaining Giganews service, since your account information will be e-mailed to the address you provide. You are required to keep us notified of changes to your e-mail address, using the update feature on our control panel. Giganews may send you periodic e-mail, to this address, about the status of your account and changes in the service that might affect you.

Indemnify and Hold Harmless

You are responsible for all actions that occur in regards to your account. As a condition of service, you agree to indemnify and hold harmless Giganews, its officers, employees, agents, and shareholders, for any cause of

Termination of Service

Giganews, reserves the right to suspend, terminate, or refuse service to anyone, at any time, for any reason.

Giganews reserves the right to revise, supplement, or rescind any of our policies or terms of service, at any time, without prior notice.

It is the member's responsibility to stay informed of our current "Terms and Conditions", and our "Acceptable Use Policy" found at <http://www.giganews.com/legal/aup.html>.

By logging on to your account you agree to these Terms and Conditions and to our Acceptable Usage Policies.



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- Dump Truck Support
- Mimo Support
- Usenet University
- Contact Support

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- 日本語
- Nederlands
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First Amended Complaint Exhibit 3

Mimo Beta Case 2:11-cv-07098-ABC-SH Document 105 Filed 03/26/13 Page 49 of 126 Page ID #5501

File View Tools Help

P10_Vol +

Search Type: P10_Vol

Download All 1,035 results displayed.

	Subject	Age	Size	Poster	Group
	<JATL> Your RoM CD 08 Fills; [248/285] - "Rom_P10_Vol_4_#5_057_Emese_01.jpg" "206"yEnc (1/1)	1,524 d	214 KB	here@there.com (rolly)	alt.binaries.amp
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Exh. 3, Pg. 1

1:17 PM 3/14/2013

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Bookmark Manager

Search

Favorites

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.p.diva

Type	Subject	Date Posted	Size	Posted By
	WSC NG> - P10 2K3 FP Alena_Young_07.jpg	10 Mar 2009 01:18 PM	295 KB	Sundog@OGWorld.org (Sundog)
	WSC NG> - P10 2K3 FP Alena_Young_06.jpg	10 Mar 2009 01:18 PM	319 KB	Sundog@OGWorld.org (Sundog)
	WSC NG> - P10 2K3 FP Alena_Young_05.jpg	10 Mar 2009 01:18 PM	137 KB	Sundog@OGWorld.org (Sundog)
	WSC NG> - P10 2K3 FP Alena_Young_01.jpg	10 Mar 2009 01:18 PM	117 KB	Sundog@OGWorld.org (Sundog)
	WSC NG> - P10 2K3 FP Adelina_Schefferski_30.jpg	10 Mar 2009 01:18 PM	214 KB	Sundog@OGWorld.org (Sundog)
	WSC NG> - P10 2K3 FP Adelina_Schefferski_29.jpg	10 Mar 2009 01:18 PM	209 KB	Sundog@OGWorld.org (Sundog)
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	WSC NG> - P10 2K3 FP Adelina_Schefferski_18.jpg	10 Mar 2009 01:18 PM	187 KB	Sundog@OGWorld.org (Sundog)
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	Sundog> Yr P10 2002 req	09 Mar 2009 08:19 PM	1 MB	Thumper@rabbit.com (Thumper)
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alt.binaries.pictures.diva

Type	Subject	Date Posted	Size	Posted By
Image	WSC/NG> - P102K3 FP (Continued Lena_Simmons_01.jpg	12 Mar 2009 10:19 PM	251 KB	Sundog@OGWorld.org (Sundog)
Folder	<NG>P102K3 will resume at Lean_Simmons_01 tomorrow night and P102K8 FP in th...	12 Mar 2009 06:35 PM	959 B...	Sundog@OGWorld.org
Folder	<Flemming>Lest I forget! Thank you for P10 2K7 as well! 2K8 I will post tonight!	12 Mar 2009 08:34 PM	946 B...	Sundog@OGWorld.org
Folder	<Flemming>Thank You very much for P10 2K4, 2K5 and 2K6! Very Appreciated!	12 Mar 2009 08:32 PM	939 B...	Sundog@OGWorld.org
Folder	<NG>Would someone kindly tell me where I got interupted on my P102K3 FP so I can f...	12 Mar 2009 04:21 PM	954 B...	Sundog@OGWorld.org
Folder	<Thumper>Thank you for P10 posts! Would have done the whole thing but not enough...	12 Mar 2009 06:33 PM	952 B...	Sundog@OGWorld.org
Image	Aokay) Your 2007 P10 files	11 Mar 2009 11:30 PM	2 MB	help@mate.com (Helpmate)
Image	<Anbody NOT Flemming> P10 2007 x 10 ? == - P10 2007_Miss_Wrong_10.csv	11 Mar 2009 06:37 PM	2 KB	"Aokay (David G. Bryce)" <UJN...
Image	<NG> FP - P10_2006_ECSV_2824.csv	11 Mar 2009 04:53 AM	224 KB	no@email.dk (Flemming)
Image	<NG> FP - P10_2007_ECSV_2331_Final.csv	11 Mar 2009 07:43 AM	182 KB	no@email.dk (Flemming)
Image	<NG> FP - P10_2007	11 Mar 2009 06:58 AM	635 MB	no@email.dk (Flemming)
Image	<NG> FP - P10_2006	11 Mar 2009 04:10 AM	906 MB	no@email.dk (Flemming)
Image	NG> P10Website April 2001FP	10 Mar 2009 04:13 PM	74 MB	Thumper@rabbit.com (Thumper)
Image	WSC NG> - P10 2K3 FP Lena_Simmons_03.jpg	10 Mar 2009 03:36 PM	256 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Simmons_01.jpg	10 Mar 2009 03:36 PM	251 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_16.jpg	10 Mar 2009 03:36 PM	398 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_15.jpg	10 Mar 2009 03:36 PM	377 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_14.jpg	10 Mar 2009 03:35 PM	223 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_13.jpg	10 Mar 2009 03:35 PM	215 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_12.jpg	10 Mar 2009 03:35 PM	304 KB	Sundog@OGWorld.org (Sundog)
Image	WSC NG> - P10 2K3 FP Lena_Padkaura_11.jpg	10 Mar 2009 03:35 PM	231 KB	Sundog@OGWorld.org (Sundog)
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Image	WSC NG> - P10 2K3 FP Lena_Padkaura_07.jpg	10 Mar 2009 03:35 PM	413 KB	Sundog@OGWorld.org (Sundog)

Exh. 3, Pg. 3

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Yenc@power-post.org continues
23 days later at
image 434.

me@not.eu stops
at image 433.

Type	Subject	Date Posted	Size	Posted By
	<New> - ??? - Luba_Shumeyko_Hgr_441.jpg	29 May 2009 12:50 PM	102 KB	Yenc@power-post.org (Talon)
	<New> - ??? - Luba_Shumeyko_Hgr_440.jpg	29 May 2009 12:50 PM	96 KB	Yenc@power-post.org (Talon)
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	<New> - ??? - Luba_Shumeyko_Hgr_434.jpg	29 May 2009 12:50 PM	90 KB	Yenc@power-post.org (Talon)
	Jo NG>> FP P10_2009 ongoing Luba_Shumeyko_Hgr_433.jpg	06 May 2009 11:08 AM	231 KB	"Flemming" <me@not.eu>
	Jo NG>> FP P10_2009 ongoing Luba_Shumeyko_Hgr_432.jpg	06 May 2009 11:08 AM	264 KB	"Flemming" <me@not.eu>
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View File
Information

First Amended Complaint Exhibit 4



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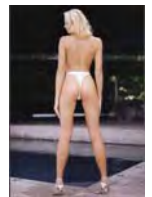
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Rom_P10_Vol4_#3_050_Es zter_07.jpg



Rom_P10_Vol4_#3_051_Te reza_01.jpg



Rom_P10_Vol4_#3_052_Te reza_02.jpg



Rom_P10_Vol4_#3_053_Te
reza_03.jpg



Rom_P10_Vol4_#3_054_Te
reza_04.jpg



Rom_P10_Vol4_#3_055_Kal
in_01.jpg



Rom_P10_Vol4_#3_056_Kal
in_02.jpg



Rom_P10_Vol4_#3_057_Kal
in_03.jpg



Rom_P10_Vol4_#3_058_Ali
na_01.jpg



Rom_P10_Vol4_#3_059_Ali
na_02.jpg



Rom_P10_Vol4_#3_060_Ali
na_03.jpg



Rom_P10_Vol4_#3_061_Ali
na_04.jpg



Rom_P10_Vol4_#3_062_Ma
rtina_01.jpg



Rom_P10_Vol4_#3_063_Ma
rtina_02.jpg



Rom_P10_Vol4_#3_064_Ro
nni_01.jpg



Rom_P10_Vol4_#3_065_Ro
nni_02.jpg



Rom_P10_Vol4_#3_066_An
gela_01.jpg



Rom_P10_Vol4_#3_067_An
gela_02.jpg



Rom_P10_Vol4_#3_068_Ca
rla_01.jpg



Rom_P10_Vol4_#3_069_Ca
rla_02.jpg



Rom_P10_Vol4_#3_070_Ca
rla_03.jpg



Rom_P10_Vol4_#3_071_Ca
rla_04.jpg

First Amended Complaint Exhibit 5

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	AWM P10 93 MP10_08_CocksUp_06.jpg	06 Mar 2012 07:43 PM	295 KB	shane <shane@@no...
	AWM P10 93 MP10_07_CocksUp_05.jpg	06 Mar 2012 07:43 PM	151 KB	shane <shane@@no...

Avid Perfect 10 Calander 12 Avid-P102kCal_12_December.jpg

View File
Information

alt.binaries.amp

Search Type: P10

Create New Post Reply Forward via E-mail Thread 12,656,921 of 12,693,667 Headers

Bookmarks Downloads

Bookmark Manager

Search

Favorites

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	SeaOtter> FP Khamsin P10	09 May 2009 01:57 PM	6 MB	Karolus@Irgendwo.XX (Karolus)
	3e> your P10 files (post 2009a_PDT)	06 May 2009 09:50 AM	15 MB	Chatter_Knewhere@somewhere.com>

hwent> requested P10-2009's

View File
Information

**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



New Conversation...

0.0 kbps

10:28 AM
3/16/2013

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	AWM P10 93 MP10_08_CocksUp_06.jpg	06 Mar 2012 07:43 PM	295 KB	shane <shane@@no...
	AWM P10 93 MP10_07_CocksUp_05.jpg	06 Mar 2012 07:43 PM	161 KB	shane <shane@@no...
	AWM P10 93 MP10_06_CocksUp_04.jpg	06 Mar 2012 07:43 PM	187 KB	shane <shane@@no...

Avid Perfect 10 Calander 12 Avid-P102kCal_11_November.jpg

View File
Information

Search Type: P10

Create New Post Reply Forward via E-mail Thread 12,656,921 of 12,693,667 Headers

Bookmarks Downloads

Bookmark Manager

Search

Favorites

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	SeaOtter> FP Khamsin P10	09 May 2009 01:57 PM	6 MB	Karolus@Irgendwo.XX (Karolus)
	3e> your P10 files (post-2009a_PDT...	06 May 2009 09:50 AM	15 MB	Chatter_Somewhere@somewhere.com>

hwent> requested P10-2009's

View File
Information

**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



New Conversation...

0.0 kbps



- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type Subject

Date Posted

Size

Posted By



AWM P10 93 MP10_08_CocksUp_06.jpg

06 Mar 2012 07:43 PM

295 KB

shane <shane@@no...



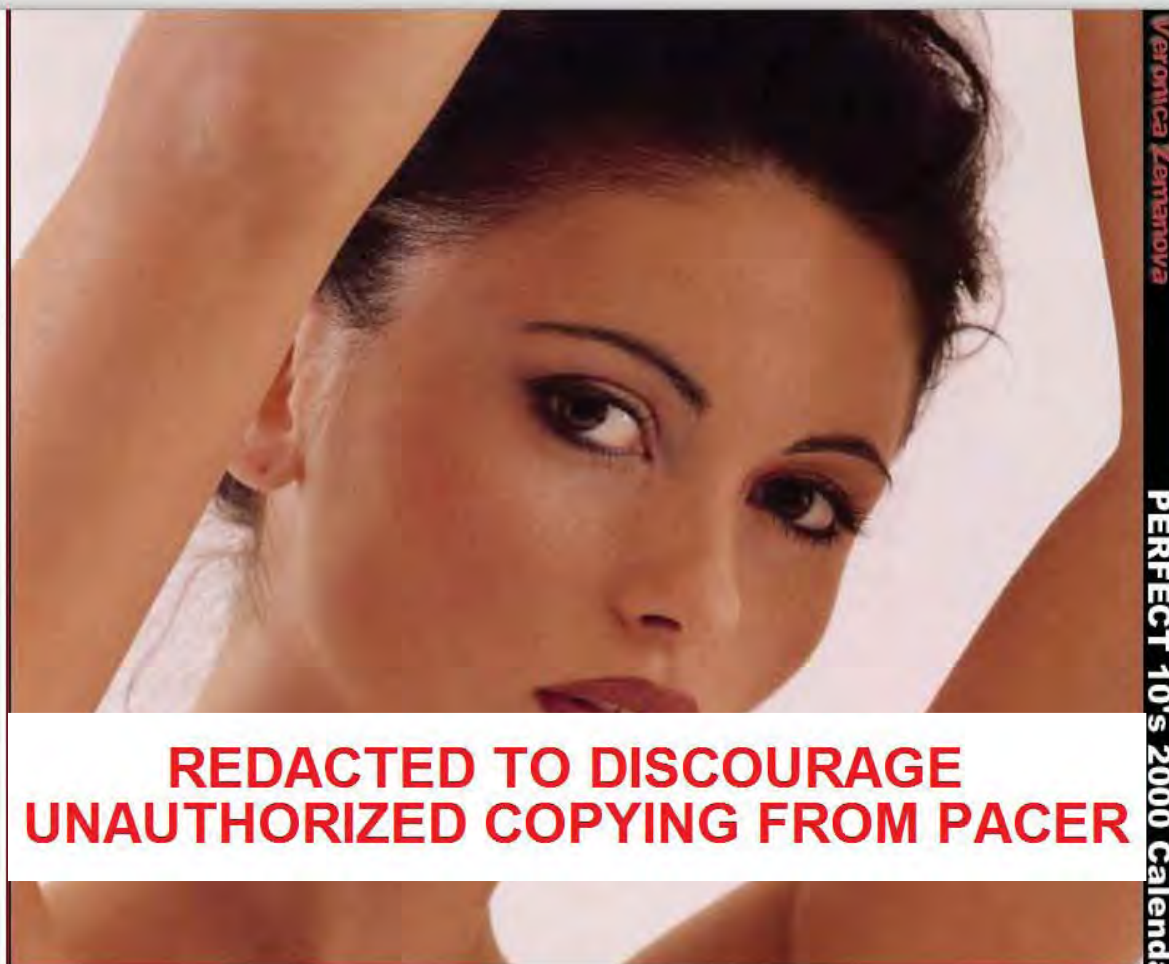
AWM P10 93 MP10_08_CocksUp_05.jpg

06 Mar 2012 07:43 PM

151 KB

shane <shane@@no...

Avid Perfect 10 Calander 12 Avid-P102kCal_03_March.jpg

View File
Information

**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**

alt.binaries.amp

Search Type: P10

Create New Post Reply Forward via E-mail Thread 12,656,921 of 12,693,667 Headers

Bookmarks Downloads

Bookmark Manager

Search


Favorites

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	gnomon> Ur P102009MissWrong ,enjoy	02 Oct 2009 11:23 PM	50 MB	Loyd@amsterdam.now (Loyd)
	Janice> DO SCENE CD01 DO W01034 Animals 51	02 Jul 2009 12:50 PM	31 MB	Wes (Wes)

FlyingO > Your P10 2007

View File Information



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0.0 kbps

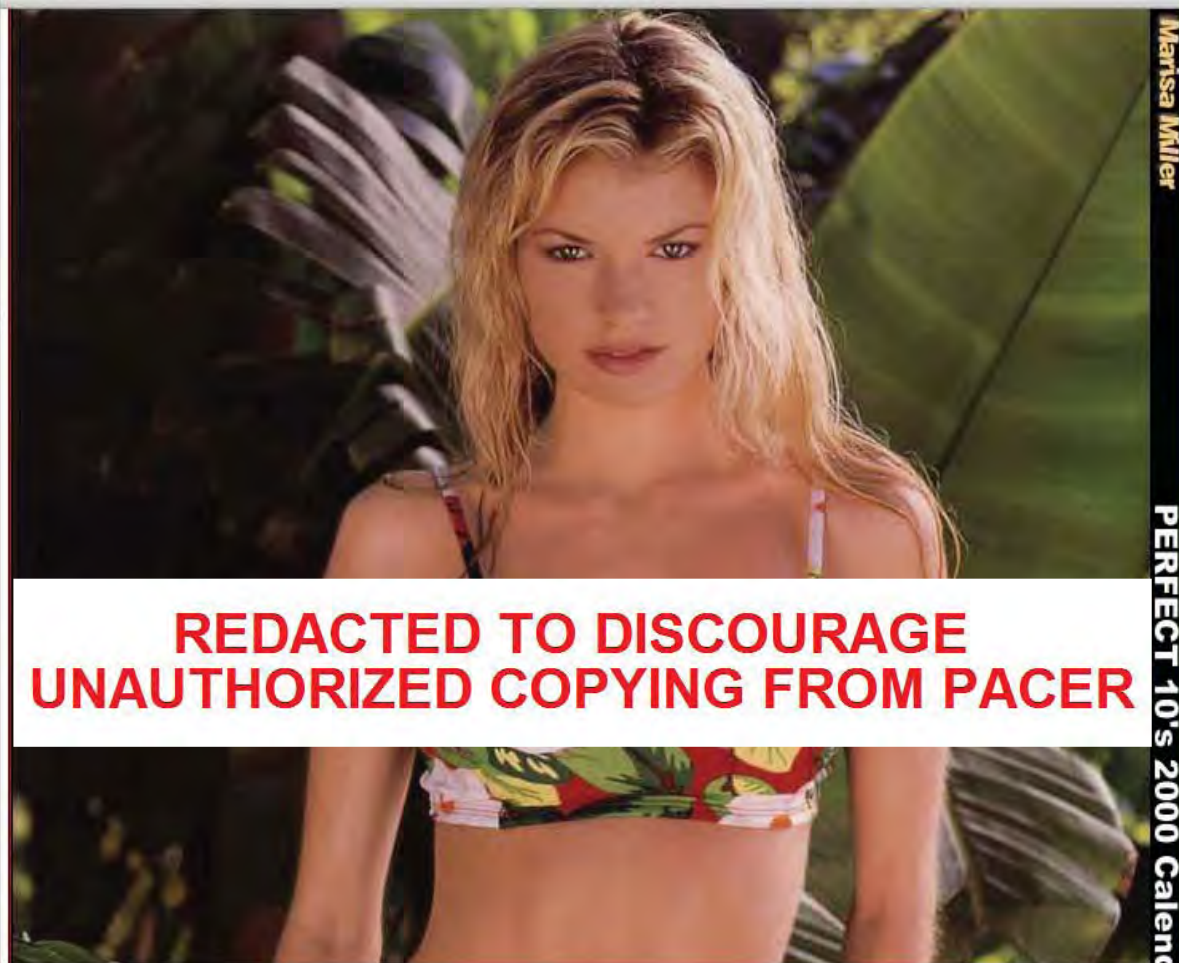
New Conversation...

10:59 AM 3/16/2013

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	AWM P10 93 MP10_08_CocksUp_06.jpg	06 Mar 2012 07:43 PM	295 KB	shane <shane@@no...
	AWM P10 93 MP10_07_CocksUp_05.jpg	06 Mar 2012 07:43 PM	151 KB	shane <shane@@no...

Avid Perfect 10 Calander 12 Avid-P102kCal_04_April.jpg

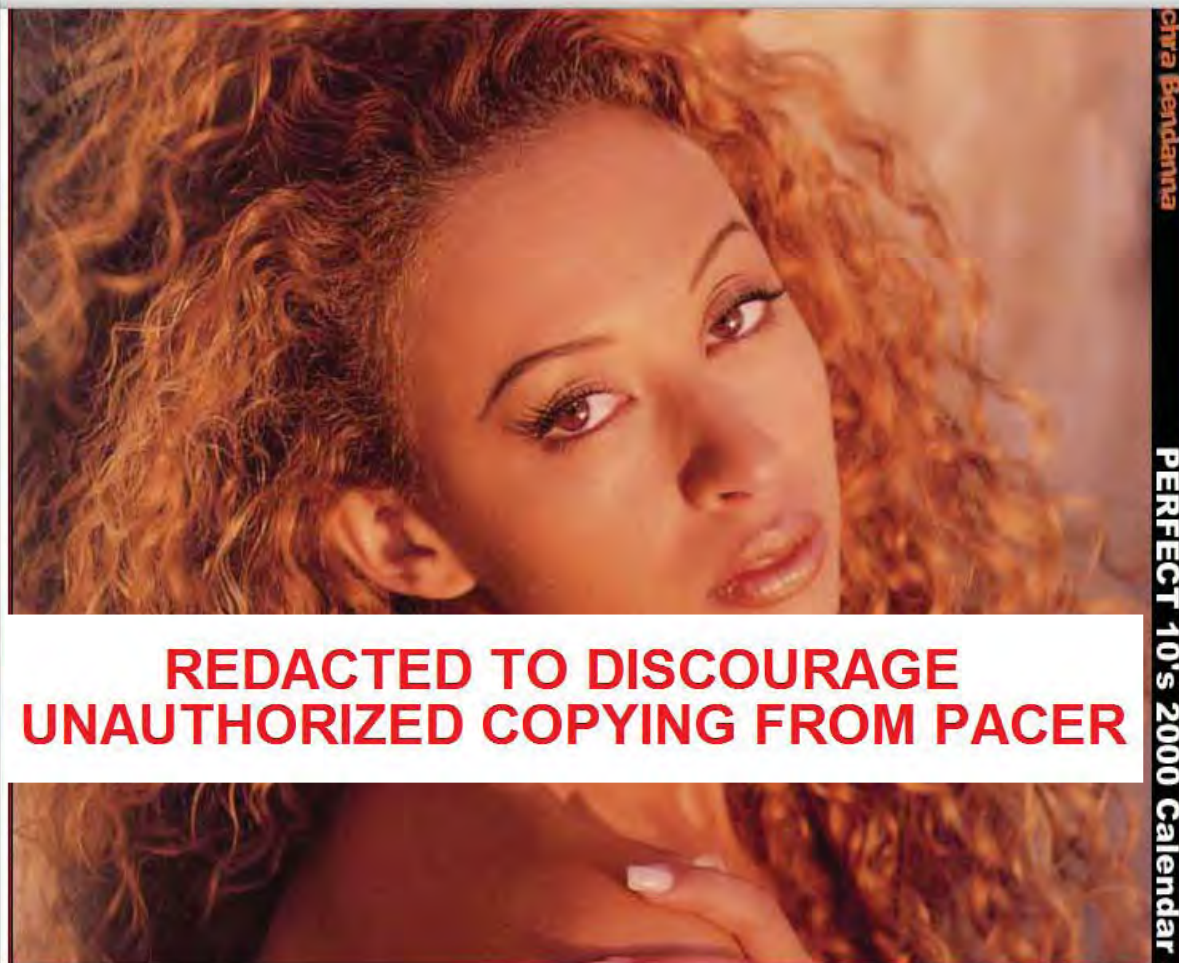
View File
Information

- g.t.binary
- g.mimo
- g.general
- g.test
- a.b.amp

Type	Subject	Date Posted	Size	Posted By
	AWM P10 93 MP10_08_CocksUp_06.jpg	06 Mar 2012 07:43 PM	295 KB	shane <shane@@no...
	AWM P10 93 MP10_07_CocksUp_05.jpg	06 Mar 2012 07:43 PM	151 KB	shane <shane@@no...

Avid Perfect 10 Calander 12 Avid-P102kCal_07_July.jpg

View File Information



First Amended Complaint Exhibit 6

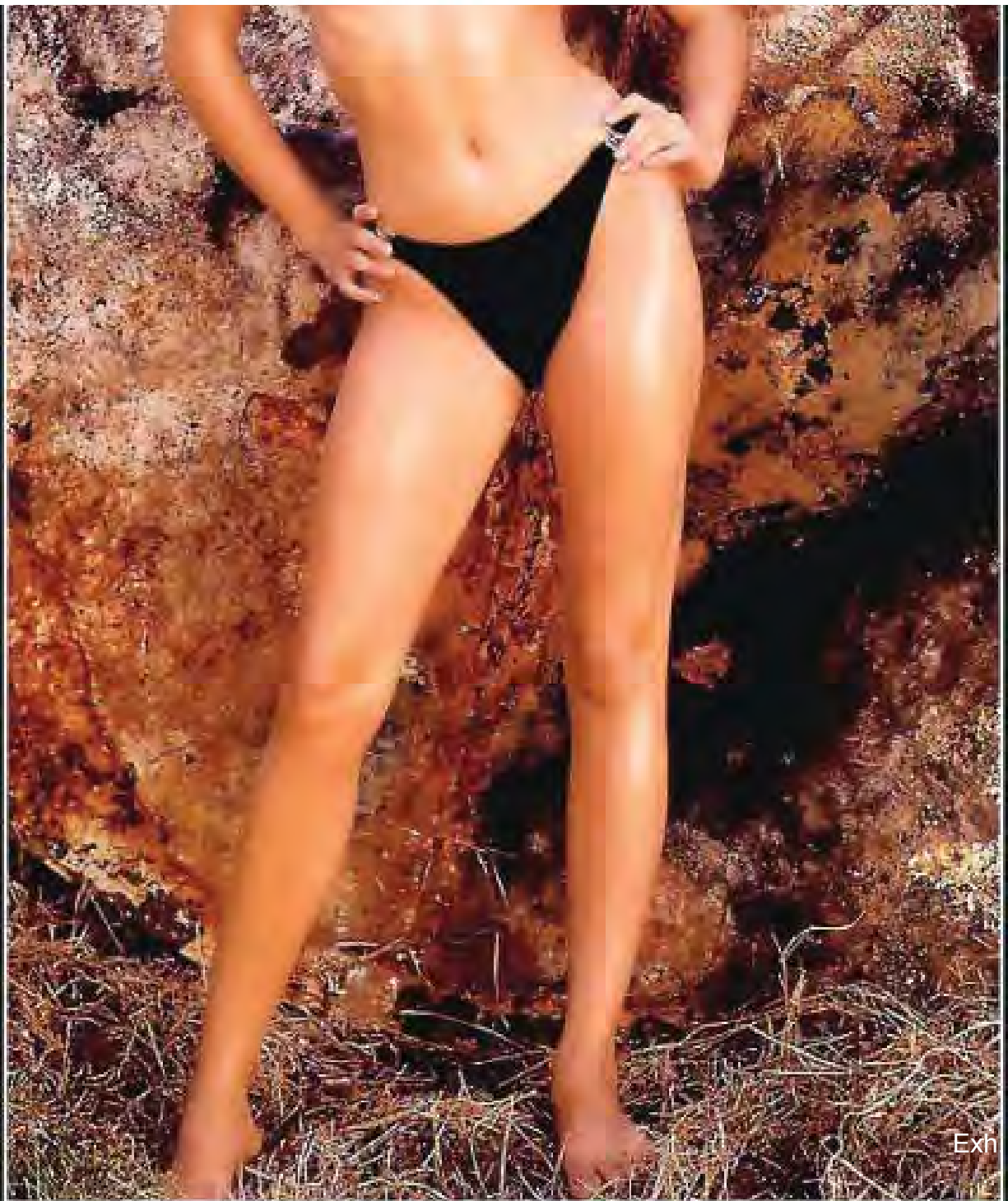
**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



christina aguilera



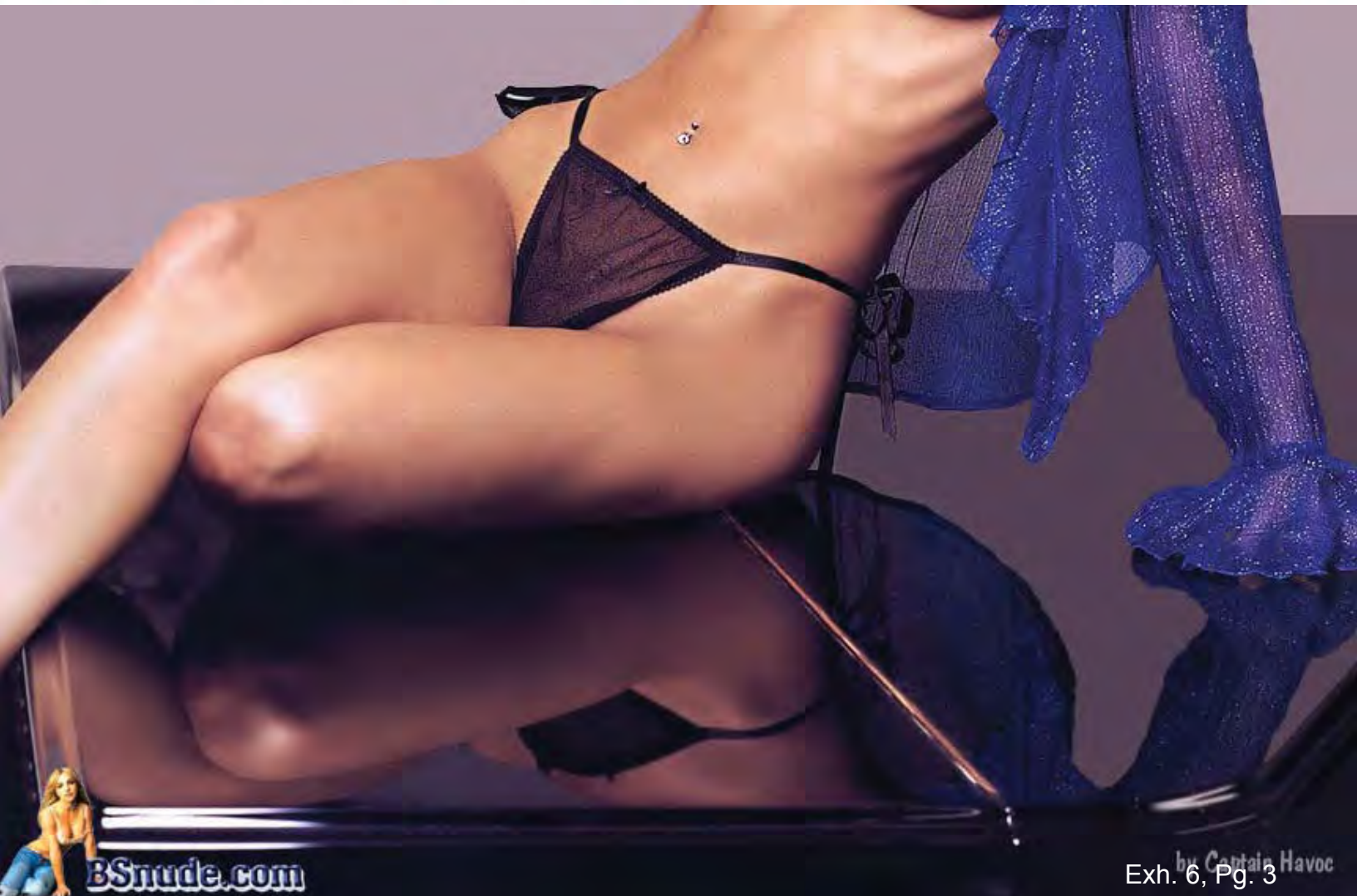
**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



Halle Berry

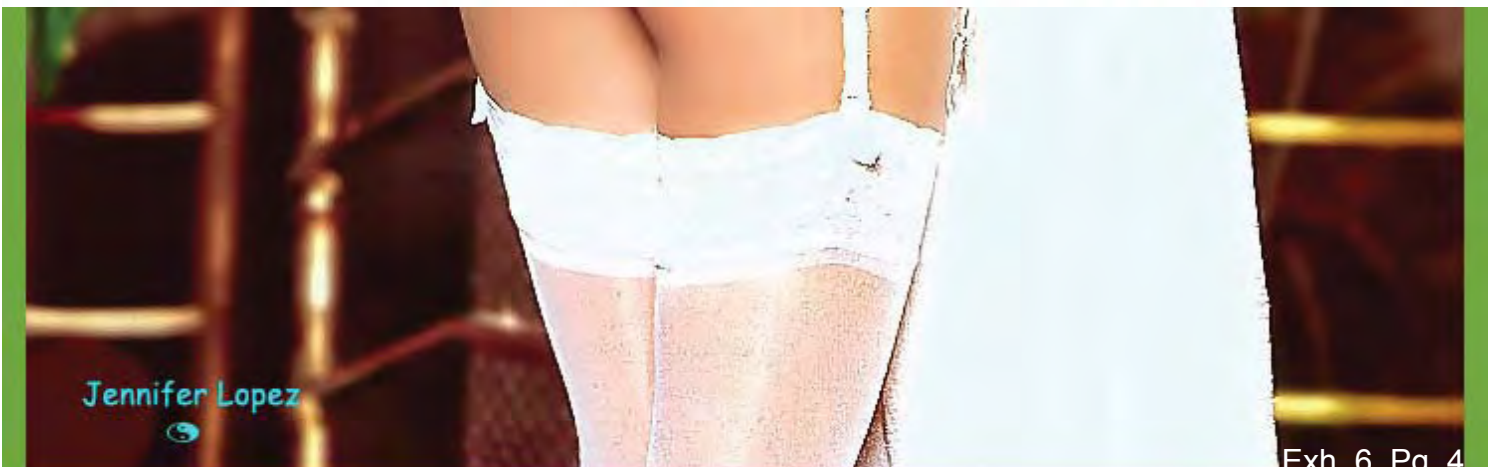


**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**





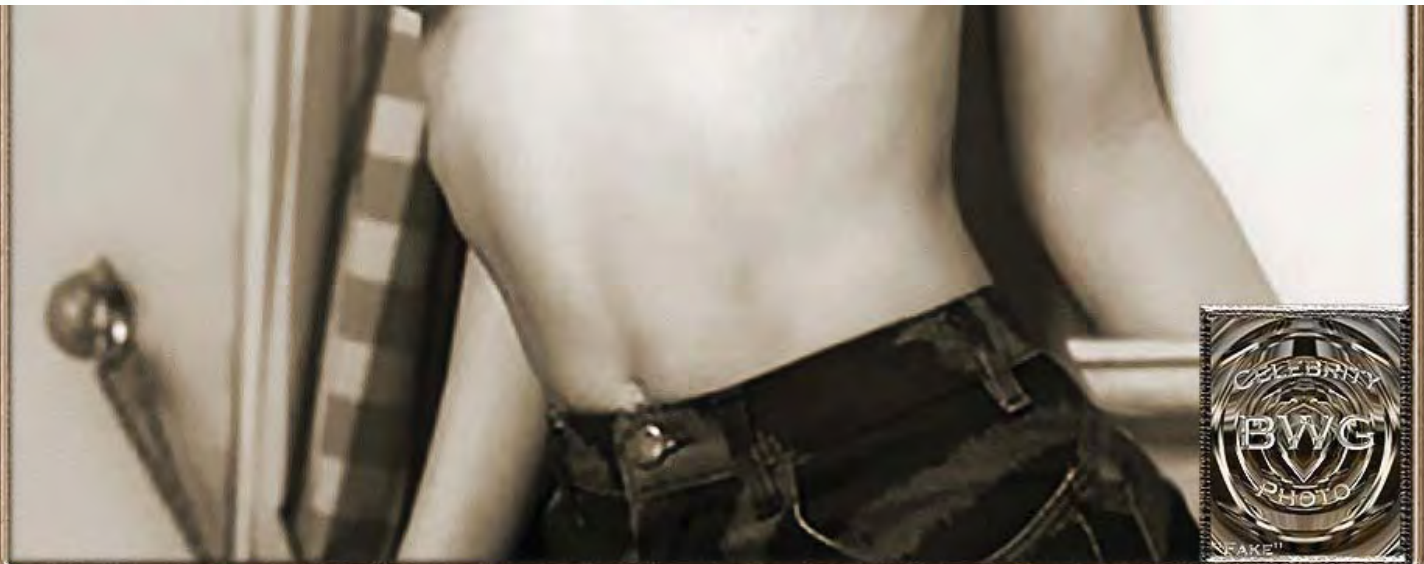
**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



Jennifer Lopez
S



**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



Kate Beckinsale

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**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



**REDACTED TO DISCOURAGE
UNAUTHORIZED COPYING FROM PACER**



First Amended Complaint Exhibit 7

File View Tools Help

Downloads Group List +

Search Type: Open

Search Type: Open

Bookmarks Downloads

Bookmark Manager

Search

▼ Favorites

- g.t.binary
- g.mimo
- g.general
- g.test

Favorites	Group Name	Articles	Last Updated
	alive.media.magazines.playboy	1676	Mar 14, 2013
	alt.binaries.full.post.verified.playboy	1097663	Mar 14, 2013
	alt.binaries.multimedia.erotic.playboy	1831619	Mar 14, 2013
	alt.binaries.pictures.centerfolds.playboy	303049	Mar 14, 2013
	alt.binaries.playboy	66889	Mar 14, 2013
	alt.binaries.playboy.erotica.centerfolds	316	Mar 14, 2013
	alt.fr.presse.playboy	107	Mar 14, 2013
	alt.mag.playboy	76876	Mar 14, 2013
	alt.mag.playboy.pussy	139444	Mar 14, 2013
	alt.magazine.playboy	95549	Mar 14, 2013
	alt.playboy	98	Mar 14, 2013
	hr.alt.seks.binaries.playboy	30193	Mar 14, 2013

File View Tools Help				
Downloads Group List +				
Search Type: beatles				
Open				
Bookmarks	Downloads	Favorites	Group Name	Articles
Bookmark Manager				Last Updated
Search				
<ul style="list-style-type: none"> g.t.binary g.mimo g.general g.test 				
			alt.binaries.beatles	11333551
			alt.binaries.beatles.lossless	1
			alt.binaries.lossless.beatles	42151
			alt.binaries.sounds.beatles	1331
			alt.binaries.sounds.lossless.beatles	712151
			alt.binaries.sounds.midi.beatles	14
			alt.binaries.sounds.mp3.beatles	669246
			alt.music.beatles	6642
			alt.pl.beatles	296
			es.rec.musica.grupos.beatles	2464
			fidonet.beatles	27
			free.it.musica.beatles	332
			gaia.fido.beatles	29
			it-alt.fan.beatles	653
			msn.forums.rock.beatles	26
			msn.mc.beatles	26
			news.admin.music.beatles.info	26
			rec.music.beatles	595375
			rec.music.beatles.bootlegs	361
			rec.music.beatles.info	156
			rec.music.beatles.moderated	5523

File View Tools Help				
Downloads Group List +				
Search Type: movie				
Open				
Bookmarks	Downloads	Favorites	Group Name	Articles
Bookmark Manager				
Search				
<ul style="list-style-type: none"> Favorites <ul style="list-style-type: none"> g.t.binary g.mimo g.general g.test 				
			Last Updated	
			alt.binaries.divx.movies	3272436
			alt.binaries.dvd.classic.movies	15020092
			alt.binaries.dvd.midnightmovies	21443992
			alt.binaries.dvd.movies	30395340
			alt.binaries.dvd.movies.dvd-r	18
			alt.binaries.dvd.movies.dvd.r	21
			alt.binaries.dvd.movies.nl.sub	1
			alt.binaries.editing.movies	18
			alt.binaries.erotica.french.gay.movie	907
			alt.binaries.erotica.french.movie	1948249
			alt.binaries.erotica.movies.anal.bestpart	465
			alt.binaries.erotica.movies.divx	27526
			alt.binaries.erotica.pregnant-movies	6454
			alt.binaries.fitness.movies	168
			alt.binaries.ftn.movie	2985768
			alt.binaries.ftn.movies	704
			alt.binaries.german.movies	134123992
			alt.binaries.german.moviez	1
			alt.binaries.hd-movies	59004
			alt.binaries.hd.ger.moviez	177160634
			alt.binaries.humexico.movies	4379
			alt.binaries.hunters.movie	6183723
			alt.binaries.ipod.videos.movies	1946211
			alt.binaries.ipod.vs.movies	16
			alt.binaries.laumovie.nl	350316
			alt.binaries.midnightmovies	4127
			alt.binaries.monkey-movies	36391
			alt.binaries.monster-movies	467323
			alt.binaries.monter-movies	161875
			alt.binaries.movie	19310448
			alt.binaries.movie-maniacs	3557

#5536

File View Tools Help

Downloads Group List +

Search Type: warez

Open

Bookmarks Downloads

Bookmark Manager

Search

Favorites

- g.t.binary
- g.mimo
- g.general
- g.test

Favorites	Group Name	Articles	Last Updated
	alt.binaries.games.alt.warez.ibm-pc.games	20496	Mar 14, 2013
	alt.binaries.games.warez	89113	Mar 14, 2013
	alt.binaries.ibm-pc.warez	29817495	Mar 14, 2013
	alt.binaries.ibm-pc.warez.0day	74734	Mar 14, 2013
	alt.binaries.ibm.pc.warez	836331	Mar 14, 2013
	alt.binaries.ipod.warez	6600	Mar 14, 2013
	alt.binaries.komino.warez	1	Mar 14, 2013
	alt.binaries.linux.warez	1	Mar 14, 2013
	alt.binaries.mac.gamesalt.binaries.warez.mac	55	Mar 14, 2013
	alt.binaries.mac.warez	67056	Mar 14, 2013
	alt.binaries.macintosh.warez	741	Mar 14, 2013
	alt.binaries.nzb-files.warez	1584	Mar 14, 2013
	alt.binaries.radio.scanner.warez	14	Mar 14, 2013
	alt.binaries.usewarez	1664414	Mar 14, 2013
	alt.binaries.warez	878230788	Mar 14, 2013
	alt.binaries.warez-ibm-pc.0-day	72898	Mar 14, 2013
	alt.binaries.warez-pc	1211062	Mar 14, 2013
	alt.binaries.warez-pc.0-day	505691	Mar 14, 2013
	alt.binaries.warez-software	166374	Mar 14, 2013
	alt.binaries.warez.0-day	25309407	Mar 14, 2013
	alt.binaries.warez.0-day.games	2131581	Mar 14, 2013
	alt.binaries.warez.0-day.games.rips	20009	Mar 14, 2013
	alt.binaries.warez.0-day.scans	1	Mar 14, 2013
	alt.binaries.warez.4kiddies	24254	Mar 14, 2013
	alt.binaries.warez.9bm-pc	20	Mar 14, 2013
	alt.binaries.warez.adolescent	5186	Mar 14, 2013
	alt.binaries.warez.amiga	12656	Mar 14, 2013
	alt.binaries.warez.aol	41	Mar 14, 2013
	alt.binaries.warez.aol.imperial	10	Mar 14, 2013
	alt.binaries.warez.asian	32105	Mar 14, 2013
	alt.binaries.warez.atari	11	Mar 14, 2013

Exh. 7, Pg. 4

#5537

Exh. 7, Pg. 5

First Amended Complaint Exhibit 8



Usenet providers, stats & news

NEWSADMIN

[Home](#)
[Contact NewsAdmin](#)
[About NewsAdmin](#)

[Compare Providers](#)
[Usenet Statistics](#)
[Newsreaders](#)
[News & Commentary](#)
[Provider Specials](#)

Best Providers



Metered Providers

- NewsGuy
- 100Proofnews
- Newsgroupdirect
- NNTPjunkie
- Newsdemon

Unlimited Providers

- NNTPjunkie
- UsenetServer
- NewsGuy
- Newshosting
- Newsgroupdirect

[» Compare Providers](#)

Today In Usenet



Top Groups by Access

- alt.binaries.e-book

Top Groups by Posting

- alt.binaries.boneless

Most Active Country

- Australia (.au)

Most Active ISP / Domain

- comcast.net

[» View All Usenet Stats](#)

Commentary



Current Article

.XXX, Domain Blocking & am...

Previous Articles

Google Dodges A Privacy B...

Why BREIN May Spell Troub...

Newsgroup Posts & Int...

Usenet Providers & Cu...

Can Spammers Benefit Usen...

[» View Article Archives](#)

The values indicated in the following report are taken from a sample population and are not reflective of total Usenet traffic. This population is sampled 240 times a day. [» Return to index of stats](#)

Posts by Usenet Provider - 06/08/2011

Select date...

Rank	Usenet Provider	No. Of Posts	No. Of Parts	Mybtes
1	astraweb.com	158,682	6,110,687	6237.0
2	xsnews.nl	107,901	5,752,790	5354.7
3	news-service.com	93,862	4,689,548	4978.6
4	giganews.com	48,648	2,054,526	2962.5
5	newsguy.com	41,875	48,442	39.4
6	newscene.com	39,558	42,178	39.6
7	highwinds-media.com	25,198	1,041,765	721.3
8	readnews.com	22,143	380,757	366.2
9	eweka.nl	20,575	1,716,806	1455.1
10	tweaknews.nl	19,500	876,040	931.9
11	googlegroups.com	13,565	13,568	20.1
12	supernews.com	8,293	2,366,057	3606.6
13	easynews.com	4,500	63,396	64.7
14	individual.net	4,168	4,168	4.9
15	aioe.org	2,672	2,672	3.0
16	nntpjunkie.com	2,221	2,290	1.6
17	tin.it	1,807	1,807	2.2
18	newshosting.com	1,266	75,756	55.9
19	bt.com	1,176	6,098	9.0
20	earthlink.com	821	833	1.2
21	cv.net	462	4,811	5.7
22	wanadoo.nl	246	11,560	10.7
23	tele.dk	230	230	0.3
24	alt.net	229	251	0.3
25	stanford.edu	227	227	0.3
26	euro.net	129	129	0.2
27	uni-berlin.de	105	105	0.1
28	qwest.net	92	1,924	1.8
29	kabelfoon.nl	50	50	0.1
30	mit.edu	30	30	0.0
31	bofh.it	20	20	0.0
32	fu-berlin.de	17	17	0.0
33	telia.net	3	3	0.0
34	t-online.de	2	2	0.0
35	ucla.edu	2	2	0.0
36	uu.net	2	2	0.0
37	demon.co.uk	1	1	0.0
38	usc.edu	1	1	0.0

[» Return to the main index of Usenet stats](#)

Provider MegaList



100Proofnews
 APN
 AccessUsenet
 Active-News
 Airnews
 Alibis
 All The Newsgroups
 Alt Binaries
 Altopia
 AnarQy
 AnonymousNewsfeed
 Astraweb
 AtlantisNews
 Bargain Newsfeeds
 BillyNews
 Binaries Net
 Binary Boy
 BlockNews
 Bubba News
 BudgetNews
 BuzzardNews
 Download2day
 Easynews
 Eurofeeds
 Flash Newsgroups
 Giganews
 MaximumUsenet
 Megabitz
 Meganetnews
 NNTPjunkie
 Netfeeds
 NewsGuy
 NewsHosting
 NewsRazor
 NewsReader
 Newsburg
 Newscene
 Newsdemon
 Newsfeeds
 Newsfusion
 Newsgroup - Access
 Newsgroup - Binaries
 Newsgroupdirect
 Newsgroups
 Newsville

[» View Complete List](#)

13 INFRINGING USENET PAYSITES MAKE UP 99.9% OF USENET

USENET PAYSITE	MYBYTES
astraweb.com	6,237.0
xsnews.nl	5,354.7
news-service.com	4,978.6
supernews.com	3,606.6
giganews.com	2,962.5
eweka.nl	1,455.1
tweaknews.nl	931.9
highwinds-media.com	721.3
readnews.com	366.2
easynews.com	64.7
newshosting.com	55.9
newscene.com	39.6
newsguy.com	39.4
TOTAL	26,813.5
googlegroups.com	20.1

First Amended Complaint Exhibit 9

SOURCE OF INFRINGING P10 IMAGES

POSTING PAYSITE	EMAIL OF POSTER	VALID EMAIL ?	P10 TRADEMARK IN MESSAGE	DATE OF POST
giganews.com	Omn1-sneaking(a)sneakEmail.com	NO		3/18/2011
giganews.com	bakster-@-the_door.inv	NO		6/22/2009
giganews.com	Bassboat@myplace.com	NO	P10	6/9/2009
newsguy.com	Buck@Scanners.Inc	NO	P10-v3.6	1/14/2010
news-service.com	catch@power-post.org	NO		11/21/2010
titannews.com	doom@checkpointcharlies.de	NO		6/30/2009
usenetserver.com	Flamberge@Planet.Earth	NO	P10	4/19/2011
giganews.com	FR-sneaking(a)sneakEmail.com	NO		3/27/2011
giganews.com	FurBall@in-The-Woods.com	NO	P10-1999	4/19/2009
giganews.com	gemini3@12MENEBUGSshaw.ca	NO	P10	5/19/2009
newshosting.com	goldy39us@yahoo.com		P10 2007	12/8/2009
easynews.com	grouse1@gDONTSPAMITmail.com	NO	Perfect10	9/16/2009
supernews.com	GutterMind@inthegutter.ugh	NO	Perfect10-junejuly2000	12/1/2009
supernews.com	here@there.com	NO		3/12/2011
giganews.com	Karolus@Irgendwo.XX	NO		7/14/2009
giganews.com	Lost@GetSome.com	NO	P10	8/11/2010
easynews.com	lucy@mablethorpe.btinternet.com	NO		10/17/2010
giganews.com	me@not.eu	NO	P10 2004	5/6/2009
newshosting.com	Mr.Sparkle@nowhere.com	NO		12/2/2010
giganews.com	nowhere@somewhere.com	NO	P10	5/5/2009
giganews.com	Polander50@Poland.com	NO	RoM P10 Vol4 01	7/8/2009
supernews.com	shogun3@shogunate.com.jp	NO		6/25/2010
giganews.com	somewhere.com	NO	P10	4/17/2011
astraweb.com	Steam@abgap.com	NO	P10	5/14/2009
giganews.com	stugart@yahoo.com	NO	P10	3/1/2011
easynews.com	Sundog@OGWorld.org	NO	Perfect 10 Fall 2002	4/24/2009
giganews.com	Thumper@Rabbit.com	NO	P10Website April 2001	3/10/2009
titannews.com	tin@emerald.city.oz	NO		7/8/2009
newsguy.com	Trin'@again.com	NO	P10-2009's	4/19/2009
easynews.com	U_Name_It@spammers.com	NO		3/30/2009
giganews.com	Woz (Woz)	NO		6/19/2009
giganews.com	Yenc@power-post.org	NO	P10	9/15/2010
giganews.com	zFox@In-The-Woods.com	NO	P10	4/5/2011

SOURCE OF INFRINGING SONGS AND TV SHOWS

POSTING SITE	EMAIL OF POSTER	VALID EMAIL?	INFRINGED WORK/ARTIST	DATE OF POST
easynews.com	Audi O'Fyle	NO	Bing Crosby	5/27/2011
giganews.com	Yenc@power-post.org	NO	Bing Crosby	6/6/2011
virginmedia.com	resting@home.com	NO	Carlos Santana	10/9/2010
giganews.com	LesMoore@Mighty12.com	NO	Carlos Santana	5/24/2011
astraweb.com	TheBest@NZB-MAGIC.com	NO	Carlos Santana	3/26/2011
giganews.com	Yenc@power-post.org	NO	Carlos Santana	3/10/2011
news-service.com	yEncBin@Poster.com	NO	Celine Dion	3/4/2011
telenet.be	nobody@here.com	NO	Christina Aguilera	11/30/2011
news-service.com	alp@traum.com	NO	CSI Miami	5/29/2011
newsdemon.com	Elcid@castillo.netl	NO	Elvis Presley	5/30/2011
astraweb.com	ChrisRock@downbeat.org	NO	Frank Sinatra	5/14/2011
newshosting.com	JBInUp@JBInUP.local	NO	Frank Sinatra	5/13/2011
news-service.com	News@Newsconnection.local	NO	How I Met Your Mother	3/29/2011
news-service.com	yEncBin@Poster.com	NO	How I Met Your Mother	5/17/2011
news-service.com	Shane_54@nowhere.com	NO	Mariah Carey	2/17/2011
astraweb.com	TheBest@NZB-MAGIC.com	NO	Mariah Carey	3/17/2011
astraweb.com	poster@unknown.com	NO	Michael Jackson	5/17/2011
astinews.de	Thunder-News@Thunder-News.org	NO	Michael Jackson	5/17/2011
astraweb.com	Yenc@power-post.org	NO	Sarah Brightman	1/26/2011
planet.nl	trein@trein.com	NO	Sarah Brightman	1/30/2010
newshosting.com	Yenc@power-post.org	NO	Sarah Brightman	3/7/2011
giganews.com	DrummerDude@NoWhere.com	NO	The Beatles	6/3/2011
giganews.com	Metsfan_44@comcast.net	NO	The Beatles	5/13/2011
astraweb.com	nocrap@honestposting.com	NO	The Beatles	5/29/2011
giganews.com	Metsfan_44@comcast.net	NO	The Rolling Stones	3/8/2011
astraweb.com	nocrap@honestposting.com	NO	The Rolling Stones	6/2/2011
eweka.nl	Nowhereman@Nowhereland.fy	NO	The Rolling Stones	4/5/2011
supernews.com	??Soulman@home.com	NO	The Stylistics	7/8/2009
giganews.com	LesMoore@Mighty12.com	NO	Van Morrison	5/24/2011
dreamload.eu	usenet-4all@dreamload.com	NO	Van Morrison	4/15/2011

First Amended Complaint Exhibit 10



THE UNITED STATES
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FOR IMMEDIATE RELEASE

Thursday, January 19, 2012

Justice Department Charges Leaders of Megaupload with Widespread Online Copyright Infringement

WASHINGTON – Seven individuals and two corporations have been charged in the United States with running an international organized criminal enterprise allegedly responsible for massive worldwide online piracy of numerous types of copyrighted works, through Megaupload.com and other related sites, generating more than \$175 million in criminal proceeds and causing more than half a billion dollars in harm to copyright owners, the U.S. Justice Department and FBI announced today.

This action is among the largest criminal copyright cases ever brought by the United States and directly targets the misuse of a public content storage and distribution site to commit and facilitate intellectual property crime.

The individuals and two corporations – Megaupload Limited and Vestor Limited – were indicted by a grand jury in the Eastern District of Virginia on Jan. 5, 2012, and charged with engaging in a racketeering conspiracy, conspiring to commit copyright infringement, conspiring to commit money laundering and two substantive counts of criminal copyright infringement. The individuals each face a maximum penalty of 20 years in prison on the charge of conspiracy to commit racketeering, five years in prison on the charge of conspiracy to commit copyright infringement, 20 years in prison on the charge of conspiracy to commit money laundering and five years in prison on each of the substantive charges of criminal copyright infringement.

The indictment alleges that the criminal enterprise is led by Kim Dotcom, aka Kim Schmitz and Kim Tim Jim Vestor, 37, a resident of both Hong Kong and New Zealand. Dotcom founded Megaupload Limited and is the director and sole shareholder of Vestor Limited, which has been used to hold his ownership interests in the Mega-affiliated sites.

In addition, the following alleged members of the Mega conspiracy were charged in the indictment:

- Finn Batato, 38, a citizen and resident of Germany, who is the chief marketing officer;
- Julius Bencko, 35, a citizen and resident of Slovakia, who is the graphic designer;
- Sven Echternach, 39, a citizen and resident of Germany, who is the head of business development;
- Mathias Ortmann, 40, a citizen of Germany and resident of both Germany and Hong Kong, who is the chief technical officer, co-founder and director;
- Andrus Nomm, 32, a citizen of Estonia and resident of both Turkey and Estonia, who is a software programmer and head of the development software division;
- Bram van der Kolk, aka Bramos, 29, a Dutch citizen and resident of both the Netherlands and New Zealand, who oversees programming and the underlying network structure for the Mega conspiracy websites.

Dotcom, Batato, Ortmann and van der Kolk were arrested today in Auckland, New Zealand, by New Zealand authorities, who executed provisional arrest warrants requested by the United States. Bencko, Echternach and Nomm remain at large. Today, law enforcement also executed more than 20 search warrants in the United States and eight countries, seized approximately \$50 million in assets and targeted sites where Megaupload has servers in Ashburn, Va., Washington, D.C., the Netherlands and Canada. In addition, the U.S. District Court in Alexandria, Va., ordered the seizure of 18 domain names associated with the alleged Mega conspiracy.

OPEN GOVERNMENT
AT THE
DEPARTMENT OF JUSTICE

THE CRIMINAL JUSTICE SYSTEM
as a
COUNTERTERRORISM TOOL

DEFENDING THE
AFFORDABLE CARE ACT

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Records

Identify Our Most Wanted Fugitives

Find a Form

Report and Identify Missing Persons

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#5546

According to the indictment, for more than five years the conspiracy has operated websites that unlawfully reproduce and distribute infringing copies of copyrighted works, including movies – often before their theatrical release – music, television programs, electronic books, and business and entertainment software on a massive scale. The conspirators' content hosting site, Megaupload.com, is advertised as having more than one billion visits to the site, more than 150 million registered users, 50 million daily visitors and accounting for four percent of the total traffic on the Internet. The estimated harm caused by the conspiracy's criminal conduct to copyright holders is well in excess of \$500 million. The conspirators allegedly earned more than \$175 million in illegal profits through advertising revenue and selling premium memberships.

The indictment states that the conspirators conducted their illegal operation using a business model expressly designed to promote uploading of the most popular copyrighted works for many millions of users to download. The indictment alleges that the site was structured to discourage the vast majority of its users from using Megaupload for long-term or personal storage by automatically deleting content that was not regularly downloaded. The conspirators further allegedly offered a rewards program that would provide users with financial incentives to upload popular content and drive web traffic to the site, often through user-generated websites known as linking sites. The conspirators allegedly paid users whom they specifically knew uploaded infringing content and publicized their links to users throughout the world.

In addition, by actively supporting the use of third-party linking sites to publicize infringing content, the conspirators did not need to publicize such content on the Megaupload site. Instead, the indictment alleges that the conspirators manipulated the perception of content available on their servers by not providing a public search function on the Megaupload site and by not including popular infringing content on the publicly available lists of top content downloaded by its users.

As alleged in the indictment, the conspirators failed to terminate accounts of users with known copyright infringement, selectively complied with their obligations to remove copyrighted materials from their servers and deliberately misrepresented to copyright holders that they had removed infringing content. For example, when notified by a rights holder that a file contained infringing content, the indictment alleges that the conspirators would disable only a single link to the file, deliberately and deceptively leaving the infringing content in place to make it seamlessly available to millions of users to access through any one of the many duplicate links available for that file.

The indictment charges the defendants with conspiring to launder money by paying users through the sites' uploader reward program and paying companies to host the infringing content.

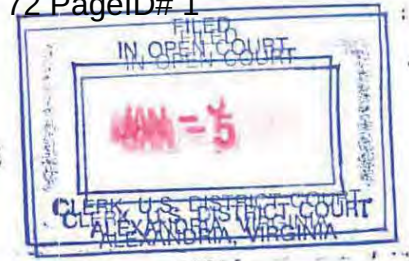
The case is being prosecuted by the U.S. Attorney's Office for the Eastern District of Virginia and the Computer Crime & Intellectual Property Section in the Justice Department's Criminal Division. The Criminal Division's Office of International Affairs, Organized Crime and Gang Section, and Asset Forfeiture and Money Laundering Section also assisted with this case.

The investigation was initiated and led by the FBI at the National Intellectual Property Rights Coordination Center (IPR Center), with assistance from U.S. Immigration and Customs Enforcement's Homeland Security Investigations. Substantial and critical assistance was provided by the New Zealand Police, the Organised and Financial Crime Agency of New Zealand (OFCANZ), the Crown Law Office of New Zealand and the Office of the Solicitor General for New Zealand; Hong Kong Customs and the Hong Kong Department of Justice; the Netherlands Police Agency and the Public Prosecutor's Office for Serious Fraud and Environmental Crime in Rotterdam; London's Metropolitan Police Service; Germany's Bundeskriminalamt and the German Public Prosecutors; and the Royal Canadian Mounted Police – Greater Toronto Area (GTA) Federal Enforcement Section and the Integrated Technological Crime Unit and the Canadian Department of Justice's International Assistance Group. Authorities in the United Kingdom, Australia and the Philippines also provided assistance.

This case is part of efforts being undertaken by the Department of Justice Task Force on Intellectual Property (IP Task Force) to stop the theft of intellectual property. Attorney General Eric Holder created the IP Task Force to combat the growing number of domestic and international intellectual property crimes, protect the health and safety of American consumers, and safeguard the nation's economic security against those who seek to profit illegally from American creativity, innovation and hard work. The IP Task Force seeks to strengthen intellectual property rights protection through heightened criminal and civil enforcement, greater coordination among federal, state and local law enforcement partners, and increased focus on international enforcement efforts, including reinforcing relationships with key foreign partners and U.S. industry leaders. To learn more about the IP Task Force, go to www.justice.gov/dag/iptaskforce.



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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

) Criminal No. 1:12CR3

)
) Count One: 18 U.S.C. § 1962(d) -
) Conspiracy to Commit
) Racketeering

)
) Count Two: 18 U.S.C. § 371 -
) Conspiracy to Commit Copyright
) Infringement

v.

)
) Count Three: 18 U.S.C. § 1956(h) -
) Conspiracy to Commit
) Money Laundering

)
) Count Four: 18 U.S.C. §§ 2, 2319;
) 17 U.S.C. § 506 -
) Criminal Copyright Infringement By
) Distributing a Copyrighted Work
) Being Prepared for Commercial
) Distribution on a Computer Network
) & Aiding and Abetting of Criminal
) Copyright Infringement

KIM DOTCOM,
MEGAUPLOAD LIMITED,
VESTOR LIMITED,
FINN BATATO,
JULIUS BENCKO,
SVEN ECHTERNACH,
MATHIAS ORTMANN,
ANDRUS NOMM, and
BRAM VAN DER KOLK,

)
) Count Five: 18 U.S.C. §§ 2, 2319;
) 17 U.S.C. § 506 -
) Criminal Copyright Infringement By
) Electronic Means &
) Aiding and Abetting of Criminal
) Copyright Infringement

Defendants

) UNDER SEAL

INDICTMENT

JANUARY 2012 TERM - at Alexandria, Virginia

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. KIM DOTCOM, MEGAUPLOAD LIMITED, VESTOR LIMITED, FINN BATATO, JULIUS BENCKO, SVEN ECHTERNACH, MATHIAS ORTMANN, ANDRUS NOMM, and BRAM VAN DER KOLK, the defendants, and others known and unknown to the Grand Jury, were members of the "Mega Conspiracy," a worldwide criminal organization whose members engaged in criminal copyright infringement and money laundering on a massive scale with estimated harm to copyright holders well in excess of \$500,000,000 and reported income in excess of \$175,000,000.

2. Megaupload.com is a commercial website and service operated by the Mega Conspiracy that reproduces and distributes copies of popular copyrighted content over the Internet without authorization. Since at least September 2005, Megaupload.com has been used by the defendants and other members and associates of the Mega Conspiracy to willfully reproduce and distribute many millions of infringing copies of copyrighted works, including motion pictures, television programs, musical recordings, electronic books, images, video games, and other computer software. Over the more than five years of its existence, the Mega Conspiracy has aggressively expanded its operations into a large number of related Internet businesses, which are connected directly to, or at least financially dependent upon, the criminal conduct associated with Megaupload.com.

3. Megaupload.com was at one point in its history estimated to be the 13th most frequently visited website on the entire Internet. The site claims to have had more than one billion visitors in its history, more than 180,000,000 registered users to date, an average of

50 million daily visits, and to account for approximately four percent of the total traffic on the Internet.

4. Megaupload.com's income comes primarily from two sources: premium subscriptions and online advertising. Premium subscriptions for Megaupload.com have been available for online purchase for as little as a few dollars per day or as much as approximately \$260 for a lifetime. In exchange for payment, the Mega Conspiracy provides the fast reproduction and distribution of infringing copies of copyrighted works from its computer servers located around the world. Premium users of the site, a small percentage of the overall user base, are able to download and upload files with few, if any, limitations. Subscription fees collected during the existence of the Mega Conspiracy from premium users are estimated to be more than \$150 million. Online advertising on Megaupload.com and its associated websites, which is heavily dependent on the popularity of copyright infringing content to attract website visits, has further obtained more than \$25 million for the Mega Conspiracy.

5. The financial proceeds of Megaupload.com have been primarily directed to four sources. First, the Conspiracy has directed the bulk of its revenues to the defendants, corporate entities they control, other co-conspirators, and employees for their private financial gain. Second, the Mega Conspiracy has spent millions of dollars developing and promoting Megaupload.com and complementary Internet sites and services, such as Megavideo.com, Megacllick.com, Megaporn.com, and a host of others (collectively the "Mega Sites"). Third, for much of its operation, the Mega Conspiracy has offered an "Uploader Rewards" Program, which promised premium subscribers transfers of cash and other financial incentives to upload popular works, including copyrighted works, to computer servers under the Mega Conspiracy's direct control and for the Conspiracy's ultimate financial benefit. The more popular content that was

present on Mega Conspiracy servers would increase the number of visitors and premium users that the Conspiracy could monetize. In total, the Mega Conspiracy directly paid uploaders millions of dollars through online payments. Fourth, the Mega Conspiracy spends millions of dollars per month on the infrastructure supporting their businesses, including the leasing of computers, hosting charges, and Internet bandwidth. In contrast to legitimate Internet distributors of copyrighted content, Megaupload.com does not make any significant payments to the copyright owners of the many thousands of works that are willfully reproduced and distributed on the Mega Sites each and every day.

6. Any Internet user who goes to the Megaupload.com website can upload a computer file. Once that user has selected a file on their computer and clicks the “upload” button, Megaupload.com reproduces the file on at least one computer server it controls and provides the uploading user with a unique Uniform Resource Locator (“URL”) link that allows anyone with the link to download the file. For example, a link distributed on December 3, 2006 by defendant DOTCOM (www.megaupload.com/?d=BY15XE3V) links to a musical recording by U.S. recording artist “50 Cent.” A single click on the link accesses a Megaupload.com download page that allows any Internet user to download a copy of the file from a computer server that is controlled by the Mega Conspiracy.

7. Megaupload.com advertises itself as a “cyberlocker,” which is a private data storage provider. However, as part of the design of the service, the vast majority of Megaupload.com users do not have significant capabilities to store private content long-term. Unregistered anonymous users (referred to as “Non-Members” by the Conspiracy) are allowed to upload and download content files, but any Non-Member-uploaded content that is not downloaded within 21 days is permanently deleted. Similarly, registered free users (or

“Members”) are allowed to upload and download content files, but each uploaded file must be downloaded every 90 days in order to remain on the system. Only premium users have a realistic chance of having any private long-term storage,¹ since their files are not regularly deleted due to non-use. In contrast, when any type of user on Megaupload.com uploads a copy of a popular file that is repeatedly downloaded, including infringing copies of copyrighted works available for download, that file remains on Mega Conspiracy-controlled computers and is available for distribution by anyone who can locate an active link to the file.

8. Once a user clicks on a link, the user is generally brought to a download page for the file. The download page contains online advertisements provided by the Conspiracy, which means that every download on Megaupload.com provides a financial gain to the Conspiracy that is directly tied to the download. The more popular the content, such as copies of well-known copyrighted works, the more users that find their way to a Megaupload.com download page; the access of these additional users, in turn, makes the Mega Conspiracy more money. Because only a small percentage of Megaupload.com users pay for their use of the systems, Mega Conspiracy’s business strategy for advertising requires maximizing the number of online downloads (i.e., distributions of content), which is also inconsistent with the concept of private storage.

9. In addition to displaying online advertisements, the download pages on Megaupload.com are designed to increase premium subscriptions. All non-premium users are encouraged to buy a premium subscription to decrease wait and download times, which can be at

¹ Even then, all users are warned in Megaupload.com’s “Frequently Asked Questions” and Terms of Service that they should not keep the sole copy of any file on Megaupload.com and that users bear all risk of data loss. The Mega Conspiracy’s duty to retain any data for even a premium user explicitly ends when either the premium subscription runs out or Megaupload.com decides, at its sole discretion and without any required notice, to stop operating.

19. Like Megaupload.com, Megavideo.com conceals many of the infringing copies of popular copyrighted videos that are available on and distributed by the site and the associated service. Megavideo.com does purport to provide both browse and search functions, but any user's search on Megavideo.com for a full length copyrighted video (which can be downloaded from a Mega Conspiracy-controlled server somewhere in the world) will not produce any results. Similarly, browsing the front page of Megavideo.com does not show any obviously infringing copies of any copyrighted works; instead, the page contains videos of news stories, user-generated videos, and general Internet videos in a manner substantially similar to Youtube.com.² Browsing the most-viewed videos in the Entertainment category on Megavideo.com, however, has at times revealed a number of infringing copies of copyrighted works that are available from Mega Conspiracy-controlled servers and are amongst the most viewed materials being offered.

20. Members of the Conspiracy have publicly stated that they operate the Mega Sites in compliance with the notice and takedown provisions of the Digital Millennium Copyright Act ("DMCA"), codified at Title 17, United States Code, Section 512, despite the fact that they are violating its provisions. Internet providers gain a safe harbor under the DMCA from civil copyright infringement suits in the United States if they meet certain criteria. The members of Mega Conspiracy do not meet these criteria³ because they are willfully infringing copyrights themselves on these systems; have actual knowledge that the materials on their systems are

² Members of the Mega Conspiracy purposefully copied content directly from Youtube.com in order to populate Megavideo.com's content servers.

³ Furthermore, the safe harbor requires that an eligible provider have an agent designated with the U.S. Copyright Office to receive infringement notices; despite having millions of users in the United States since at least the beginning of the Conspiracy, the Conspiracy did not designate such an agent until October 15, 2009, years after Megaupload.com and many of its associated sites had been operating and the DMCA had gone into effect.

infringing (or alternatively know facts or circumstances that would make infringing material apparent); receive a financial benefit directly attributable to copyright-infringing activity where the provider can control that activity; and have not removed, or disabled access to, known copyright infringing material from servers they control.

21. Members of the Mega Conspiracy negotiated the use of an "Abuse Tool" with some major U.S. copyright holders to purportedly remove copyright-infringing material from Mega Conspiracy-controlled servers. The Abuse Tool allowed copyright holders to enter specific URL links to copyright infringing content of which they were aware, and they were told by the Conspiracy that the Mega Conspiracy's systems would then remove, or disable access to, the material from computer servers the Conspiracy controls. The Mega Conspiracy's Abuse Tool did not actually function as a DMCA compliance tool as the copyright owners were led to believe.

22. When a file is being uploaded to Megaupload.com, the Conspiracy's automated system calculates a unique identifier for the file (called a "MD5 hash") that is generated using a mathematical algorithm. If, after the MD5 hash calculation, the system determines that the uploading file already exists on a server controlled by the Mega Conspiracy, Megaupload.com does not reproduce a second copy of the file on that server. Instead, the system provides a new and unique URL link to the new user that is pointed to the original file already present on the server. If there is more than one URL link to a file, then any attempt by the copyright holder to terminate access to the file using the Abuse Tool or other DMCA takedown request will fail because the additional access links will continue to be available.

23. The infringing copy of the copyrighted work, therefore, remains on the Conspiracy's systems (and accessible to at least one member of the public) as long as a single

link remains unknown to the copyright holder. The Conspiracy's internal reference database tracks the links that have been generated by the system, but duplicative links to infringing materials are neither disclosed to copyright holders, nor are they automatically deleted when a copyright holder either uses the Abuse Tool or makes a standard DMCA copyright infringement takedown request. During the course of the Conspiracy, the Mega Conspiracy has received many millions of requests (through the Abuse Tool and otherwise) to remove infringing copies of copyrighted works and yet the Conspiracy has, at best, only deleted the particular URL of which the copyright holder complained, and purposefully left the actual infringing copy of the copyrighted work on the Mega Conspiracy-controlled server and any other access links completely intact.

24. In addition to copyrighted files, other types of illicit content have been uploaded onto the Megaupload.com servers, including child pornography and terrorism propaganda videos. Members of the Conspiracy have indicated to each other that they can automatically identify and delete such materials on all of their servers by calculating MD5 hash values of known child pornography or other illicit content, searching the system for these values, and eliminating them; in fact, such files with matching hash values have been deleted from the Mega Conspiracy's servers. Members of the Mega Conspiracy have failed to implement a similar program to actually delete or terminate access to copyright infringing content.

25. On or about June 24, 2010, members of the Mega Conspiracy were informed, pursuant to a criminal search warrant from the U.S. District Court for the Eastern District of Virginia, that thirty-nine infringing copies of copyrighted motion pictures were present on their leased servers at Carpathia Hosting, a hosting company headquartered in the Eastern District of Virginia. A member of the Mega Conspiracy informed several of his co-conspirators at that time

that he located the named files using internal searches of their systems. As of November 18, 2011, more than a year later, thirty-six of the thirty-nine infringing motion pictures were still being stored on the servers controlled by the Mega Conspiracy.

26. At all times relevant to this Indictment, the defendants and other members of the Mega Conspiracy knew that they did not have license, permission, authorization, or other authority from owners of hundreds of thousands of copyrighted works to reproduce and distribute those works, including making them available over the Internet. Members of the Mega Conspiracy are aware of the way that their sites are actually used by others; have themselves used the systems to upload, as well as reproduce and distribute, infringing copies of copyrighted content; and are aware that they have financially benefitted directly from the infringement of copyrighted works that they are in a position to control.

27. In addition to Megaupload.com, Megavideo.com, and Megaclick.com, the other websites created and domains owned by the Mega Conspiracy include: Megaworld.com; Megalive.com; Megapix.com; Megacar.com; Megafund.com; Megakey.com; Megaking.com; Megahelp.com; Megagogo.com; Megamovie.com; Megaporn.com; Megabackup.com; Megapay.com; Megabox.com; and Megabest.com. Several of these additional sites have also hosted infringing copies of copyrighted works. The websites and services, as well as the domains themselves, have been facilitated and promoted by illicit proceeds from the operations of Megaupload.com, Megavideo.com, and Megaclick.com.

28. In addition to MEGAUPLOAD LIMITED, VESTOR LIMITED, Megamedia Limited, Megavideo Limited, Megarotic Limited, Megapix Limited, Kingdom International Ventures Limited, Netplus International Limited LLC, Basemax International Limited, and Mindpoint International Limited LLC, the following companies and entities have facilitated and

numerous occasions, ORTMANN received DMCA copyright infringement takedown notices from other conspirators and third-party companies. ORTMANN also had authority to distribute funds from one of the Conspiracy's main financial accounts. ORTMANN has received a link to a copy of a copyrighted work associated with the Mega Conspiracy. In calendar year 2010 alone, ORTMANN received more than \$9 million from the Mega Conspiracy.

36. ANDRUS NOMM is a citizen of Estonia and a resident of both Turkey and Estonia. NOMM is a software programmer and Head of the Development Software Division for MUL. NOMM is responsible for the technical aspects of Megaclick.com. NOMM develops new projects, tests code, and provides routine maintenance for the site. Additionally, NOMM provides web coding assistance to various projects on other Mega Conspiracy websites. Such projects have included testing high definition video on Megavideo.com, installing the thumbnail screen captures for uploaded videos, and transferring still images across the various Mega Conspiracy website platforms. NOMM has accessed at least one infringing copy of a copyrighted work from a computer associated with the Mega Conspiracy. In calendar year 2010, NOMM received more than \$100,000 from the Mega Conspiracy.

37. BRAM VAN DER KOLK, who has also been known as BRAMOS, is a resident of both the Netherlands and New Zealand. VAN DER KOLK is a Dutch citizen. VAN DER KOLK is the "Programmer-in-Charge" for MUL and MMG. VAN DER KOLK, as the director and sole shareholder of Mindpoint International Limited LLC, effectively owns 2.5% of the shares of MUL. From the onset of the Conspiracy through to the present, VAN DER KOLK has overseen programming on the Mega Conspiracy websites, as well as the underlying network infrastructure. VAN DER KOLK is also responsible for responding to DMCA copyright infringement takedown notices sent to Mega Conspiracy sites. Lastly, VAN DER KOLK

oversaw the selection of featured videos that were posted onto Megavideo.com, and he was previously in charge of the rewards program. VAN DER KOLK has personally uploaded multiple infringing copies of copyrighted works to Internet sites associated with the Mega Conspiracy and has searched servers controlled by the Mega Conspiracy for infringing copies of copyrighted works at the request of other co-conspirators, including several of the defendants. In calendar year 2010, VAN DER KOLK received more than \$2 million from the Mega Conspiracy.

THIRD-PARTIES

38. Carpathia Hosting (Carpathia.com) is an Internet hosting provider that is headquartered in Dulles, Virginia, which is in the Eastern District of Virginia. Carpathia Hosting has access to datacenters in Ashburn, Virginia; Harrisonburg, Virginia; Phoenix, Arizona; Los Angeles, California; and Toronto, Canada. The Mega Conspiracy leases approximately 25 petabytes⁴ of data storage from Carpathia to store content associated with the Mega Sites. More than 1,000 computer servers in North America are owned and operated by Carpathia Hosting for the benefit of the Mega Conspiracy; more than 525 of these computer servers are currently located in Ashburn, Virginia, which is in the Eastern District of Virginia. Carpathia Hosting continues to provide the Mega Conspiracy with leased computers, Internet hosting, and support services as of the date of this Indictment.

39. Cogent Communications (Cogentco.com) is a multinational Internet hosting and bandwidth provider that is headquartered in Washington, D.C., but also has offices and facilities in the Eastern District of Virginia. As one of the top five global Internet service providers, Cogent Communications owns and operates 43 datacenters around the world. The Mega

⁴ A petabyte is more than 1,000 terabytes, or one million gigabytes.

- b. 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(2)(A), 1956(h), 1956(f), and 1957 (money laundering).

C. PURPOSES OF THE ENTERPRISE

48. The purposes of the Enterprise included the following:

- a. Enriching the members and associates of the Enterprise through, among other things, copyright infringement and money laundering.
- b. Promoting, enlarging, and enhancing the Enterprise and its members' and associates' activities.

D. MEANS AND METHODS OF THE ENTERPRISE

49. Among the means and methods by which the defendants and their associates conducted and participated in the conduct of the affairs of the Enterprise were the following:

- a. Members of the Enterprise and their associates criminally infringed copyrights, aided and abetted copyright infringement, and conspired to infringe copyrights, which affected interstate and foreign commerce.
- b. Members of the Enterprise and their associates committed money laundering, attempted to commit money laundering, and conspired to commit money laundering to facilitate and expand the Enterprise's criminal operations.

(All in violation of Title 18, United States Code, Section 1962(d))

COUNT TWO

(18 U.S.C. § 371 – Conspiracy to Commit Copyright Infringement)

THE GRAND JURY CHARGES THAT:

50. Paragraphs 1 through 49 are re-alleged and incorporated as if set forth here in their entirety.

51. Beginning in at least September 2005 and continuing until at least the date of this Indictment, in the Eastern District of Virginia and elsewhere, the defendants,

**KIM DOTCOM,
MEGAUPLOAD LIMITED,
VESTOR LIMITED,
FINN BATATO,
JULIUS BENCKO,
SVEN ECHTERNACH,
MATHIAS ORTMANN,
ANDRUS NOMM, and
BRAM VAN DER KOLK**

each knowingly and intentionally combined, conspired, and agreed together and with each other, and with other persons known and unknown to the Grand Jury, to: (1) willfully infringe, for purposes of private financial gain, ten or more copies of one or more copyrighted works with a total retail value of more than \$2,500 within a 180-day period, in violation of Title 17, United States Code, Section 506(a)(1)(A) and Title 18, United States Code, Section 2319(b)(1); and (2) willfully infringe, for purposes of private financial gain, a copyright by the distribution of a work being prepared for commercial distribution, by making it available on a computer network

accessible to members of the public, when the defendants knew and should have known that the work was intended for commercial distribution, in violation of Title 17, United States Code, Section 506(a)(1)(C) and Title 18, United States Code, Section 2319(d)(2).

Ways, Manner, and Means of the Conspiracy

In furtherance of the Conspiracy, defendants and others known and unknown to the Grand Jury employed, among others, the following manner and means:

52. It was part of the Conspiracy that the defendants and their co-conspirators operated a number of Internet sites and associated services, including Megaupload.com, Megavideo.com, and Megaclick.com.

53. It was further part of the Conspiracy that members of the Mega Conspiracy, including many of the named defendants, willfully reproduced and distributed infringing copies of copyrighted works using computer servers controlled by the Conspiracy.

54. It was further part of the Conspiracy, from at least September 2005 until July 2011, that the Conspiracy provided financial incentives for users to upload infringing copies of popular copyrighted works. The Conspiracy made payments to uploaders who were known to have uploaded infringing copies of copyrighted works.

55. It was further part of the Conspiracy that members of the Conspiracy generally did not terminate the user accounts of known copyright infringing users, when it had the right and ability under its Terms of Service to do so.

56. It was further part of the Conspiracy that the Conspiracy made no significant effort to identify users who were using the Mega Sites or services to infringe copyrights, to prevent the uploading of infringing copies of copyrighted materials, or to identify infringing copies of copyrighted works located on computer servers controlled by the Conspiracy.

57. It was further part of the Conspiracy that the Conspiracy made it more difficult for copyright holders to identify repeat infringers by removing the identity of the infringing file's uploader from public parts of the Mega Sites in or about November 2010.


58. It was further part of the Conspiracy that members of the Conspiracy generally did not delete infringing copies of copyrighted works from computer servers that they controlled, even when they were aware of the infringing material or the removal was specifically requested by the copyright holder.

59. It was further part of the Conspiracy that members of the Conspiracy selectively complied with their obligations to remove any copyrighted materials (or links thereto) from the computer servers they controlled, and sometimes deliberately did not remove copyrighted works (or links thereto) when it would result in a loss of revenue.


60. It was further part of the Conspiracy that members of the Conspiracy deliberately misrepresented to copyright holders that they had removed copyright infringing content from their servers, while, in fact, they only removed certain links to the content file, which could still be illegally downloaded through numerous redundant links. Redundant links were sometimes created by members of the Conspiracy.

61. It was further part of the Conspiracy that members of the Conspiracy had the ability to search files that were on the computer systems they controlled, and purposefully did not provide full and accurate search results to the public, or, in the case of Megaupload.com, chose not to provide any search functionality at all in order to conceal the fact that the primary purpose of the website and service was to reproduce and distribute infringing copies of copyrighted works for private financial gain.

62. It was further part of the Conspiracy that the members of the Conspiracy misrepresented to the Conspiracy's users and the public the nature of the files that were contained on the computer servers it controlled and of the amount of their network bandwidth associated with infringement.

63. It was further part of the Conspiracy that members of the Conspiracy reproduced copyrighted works directly from third-party websites, including from YouTube.com, to make them available for reproduction and distribution on Megavideo.com. 

64. It was further part of the Conspiracy that members of the Conspiracy monitored the public actions of law enforcement regarding large-scale copyright infringement and took active steps to conceal the copyright-infringing activities taking place on the Mega Sites.

65. It was further part of the Conspiracy that the content available on Megaupload.com and Megavideo.com was provided by known and unknown members of the Mega Conspiracy, including several of the defendants, who uploaded infringing copies of copyrighted works onto computer servers leased by the Mega Conspiracy in North America to further the reproduction and distribution of copyrighted works; in particular, copyright infringing content was hosted by the Conspiracy on various servers in Toronto, Canada; Los Angeles, California; and Ashburn, Virginia (the last of which is in the Eastern District of Virginia). 

66. It was further part of the Conspiracy that content was also reproduced on and distributed from computer servers leased or owned by the Mega Conspiracy in France and the Netherlands.

67. It was further part of the Conspiracy that the Conspiracy derived a direct financial benefit from infringement through the advertising that was placed on the Mega Sites and from "premium" subscription charges. Between September 2005 and the date of this

Indictment, the defendants collectively have received more than \$175 million from advertising and subscriptions.

68. It was further part of the Conspiracy that infringing copies of many thousands of copyrighted works on Megaupload.com and Megavideo.com were made available to tens of millions of visitors each day.

Overt Acts

69. It was further part of the Conspiracy that the following acts in furtherance of and to effect the objects of the above-described Conspiracy were committed in the Eastern District of Virginia and elsewhere:

a. From at least November 24, 2006 until at least the date of this Indictment, infringing copies of copyrighted materials were stored on computer servers located at Carpathia Hosting in Ashburn, Virginia, which is in the Eastern District of Virginia.

b. For the 180 days up to and including the date of this Indictment, members of the Conspiracy infringed by electronic means, including by means of the Internet, more than ten copies of one or more copyrighted works which had a total retail value of more than \$2,500 for purposes of private financial gain. In part, copies of copyright-infringing works were downloaded by agents of the Federal Bureau of Investigation ("FBI") and other participating federal agencies from the National Intellectual Property Rights Coordination Center in Arlington, Virginia, from computer servers controlled by the Mega Conspiracy, since approximately March 2010, when federal law enforcement began their investigation.

c. During the course of the Conspiracy, the Mega Conspiracy has paid more than \$65 million to hosting providers around the world for computer leasing, hosting, bandwidth, and support services. The amounts of some of these payments are detailed in Count Three, and

incorporated herein by reference. These payments involved the use of proceeds of criminal copyright infringement to promote the objects of the conspiracy.

d. From at least September 2005 until July 2011, the Mega Conspiracy offered and provided financial incentives to its premium subscribers to upload copies of popular works to Megaupload.com and then distribute links that provided a download of that file, with a single click, to anyone on the Internet. Though the "Uploader Rewards" program warned that the uploading of copyrighted files would result in disqualification, the Mega Conspiracy rarely, if ever, terminated the accounts of individuals who posted copyrighted content. In fact, the Mega Conspiracy affirmatively chose to financially reward specific uploaders of infringing copies of copyrighted content, including repeat offenders.

e. An early version of the "Uploader Rewards" program for Megaupload.com from approximately September 2005 announced: "Today we are also introducing our ground breaking Uploader Rewards. Our new reward program pays money and cash prizes to our uploaders. This makes Megaupload the first and only site on the Internet paying you for hosting your files. The more popular your files the more you make." Directly addressing "file traders," the announcement continued: "You deliver popular content and successful files[.] We provide a power hosting and downloading service. Let's team up!" In addition, the announcement stated: "You must have at least 50000 downloads within 3 months to qualify" and "You must allow us to list your files & descriptions on our Top 100 pages." The rewards included "\$1 USD Cash per 1000 downloads of your uploaded files", plus an additional bonus between \$50 to \$5,000 for Top 100 "Megauploaders with the most downloads" during a three-month period, to be paid through PayPal according to the following ranking:

Rank 1: \$5,000 USD Bonus
Ranks 2-5: \$1,000 USD Bonus

Ranks 6-10: \$500 USD Bonus
Ranks 11-50: \$100 USD Bonus
Ranks 51-100: \$50 USD Bonus

f. A later version of the "Uploader Rewards" program, available at least as early as November 2006, offered the following: "For every download of your files, you earn 1 reward point. * You can redeem your reward points for premium services and cash[.]" The program required "a premium membership to qualify for a payment." Rewards were paid through PayPal according to the following reward point totals:

5,000 reward points: One day premium
50,000 reward points: One month premium
100,000 reward points: One year premium
500,000 reward points: Lifetime platinum + \$300 USD
1,000,000 reward points: \$1,000 USD
5,000,000 reward points: \$10,000 USD

g. At the time of its termination, as recently as July 2011, the "Uploader Rewards" program offered rewards according to the following reward point totals:

10,000 reward points: One month premium membership
50,000 reward points: 6 months premium membership
100,000 reward points: One year premium + \$100 USD
500,000 reward points: Lifetime platinum + \$500 USD
1,000,000 reward points: \$1,500 USD
5,000,000 reward points: \$10,000 USD

h. In approximately April 2006, members of the Mega Conspiracy copied videos directly from Youtube.com to make them available on Megavideo.com.

i. On or about April 10, 2006, VAN DER KOLK sent an e-mail to ORTMANN asking "Do we have a server available to continue downloading of the Youtube's vids? ... Kim just mentioned again that this has really priority."

j. On or about April 10, 2006, VAN DER KOLK sent an e-mail to ORTMANN indicating "Hope [Youtube.com is] not implementing a fraud detection system now... * praying **".

k. On or about April 10, 2006, ORTMANN sent an e-mail to VAN DER KOLK in reply to the "fraud detection" message indicating "Even if they did, the usefulness of their non-popular videos as a jumpstart for Megavideo is limited, in my opinion."

l. On or about April 10, 2006, VAN DER KOLK sent an e-mail to ORTMANN in reply to the "jumpstart for Megavideo" message indicating that "Well we only have 30% of their videos yet.. In my opinion it's nice to have everything so we can descide and brainstorm later how we're going to benefit from it."

m. On or about May 10, 2006, a member of the Mega Conspiracy registered the Internet domain Megaclick.com.

n. On or about August 31, 2006, VAN DER KOLK sent an e-mail to an associate entitled "lol". Attached to the message was a screenshot of a Megaupload.com file download page for the file "Alcohol 120 1.9.5 3105complete.rar" with a description of "Alcohol 120, con crack!!!! By ChaOtiX!". The copyrighted software "Alcohol 120" is a CD/DVD burning software program sold by www.alcohol-soft.com.


o. On or about November 13, 2006, VAN DER KOLK sent an e-mail to another individual that contained 100 Megaupload.com links to infringing copies of copyrighted musical recordings by the artist Armin van Buuren.

p. On or about November 13, 2006, a member of the Mega Conspiracy registered the Internet domain Megavideo.com.

q. On or about December 3, 2006, DOTCOM distributed a Megaupload.com link to a music file entitled "05-50_cent_feat._mobb_deep-nah-c4.mp3" to ORTMANN. A copy of this file was still present on servers controlled by the Mega Conspiracy as of December 20, 2011.

r. On or about February 5, 2007, VAN DER KOLK sent an e-mail to ORTMANN entitled "reward payments". Attached to the e-mail was a text file listing the following proposed reward amounts, the Megaupload.com username, and the content they uploaded:

100 USD	[USERNAME DELETED] 10+ Full popular DVD rips (split files), a few small porn movies, some software with keygenerators (warez)
100 USD	[USERNAME DELETED] 5845 files in his account, mainly Vietnamese content
100 USD	[USERNAME DELETED] Popular DVD rips
100 USD	[USERNAME DELETED] Some older DVD rips + unknown (Italian series?) rar files
1500 USD	[USERNAME DELETED] known paid user (vietnamese content)

The last individual received at least \$55,000 from the Mega Conspiracy through transfers from PayPal Inc., as part of the "Uploader Rewards" program. 

s. On or about February 11, 2007, VAN DER KOLK sent an e-mail to ORTMANN indicating that "Kim really wants to copy Youtube one to one."

t. On or about February 13, 2007, ORTMANN sent an e-mail to VAN DER KOLK entitled "my concerns about the thumbnails table." In the e-mail, ORTMANN asked VAN DER KOLK to create "a dummy lifetime premium user," stating that "[t]his is very important to prevent the loss of source files due to expiration or abuse reports."

u. On or about February 21, 2007, VAN DER KOLK sent an e-mail to ORTMANN entitled "2 reward payment files." Attached to the e-mail was a file containing Megaupload.com users' e-mail addresses and reward payments for that time period, which ranged from \$100 to \$500. For one user that was paid \$300, VAN DER KOLK wrote, "30849 files, mainly Mp3z, some copyrighted but most of them have a very small number of downloads per file." For other users, all of which were selected for reward payments of \$100 by the Mega Conspiracy, he wrote the following: "Our old famous number one on MU, still some illegal files

ll. On or about July 18, 2008, DOTCOM sent an e-mail message to ORTMANN instructing him to list "Mega Manager" as the "Number 1 download" out of the Top 100 Megaupload.com files.


mm. On or about August 4, 2008, the Mega Conspiracy launched their own advertising company for the Mega Sites called Megaclick.com.

nn. On or about August 11, 2008, DOTCOM requested that the Mega Conspiracy's contract with Leaseweb drop a standard clause requiring contract termination for violations of Leaseweb's "Acceptable Use Policy."

oo. On or about September 1, 2008, VAN DER KOLK uploaded an infringing copy of the copyrighted television program entitled "BBC.Earth.-.The.Power.Of.The.Planet.5of5.Rare.Earth.XviD.AC3.MVGroup.org.avi" to Megaupload.com and e-mailed the URL file to another individual. An infringing copy of this copyrighted work was still present on servers leased by the Mega Conspiracy as of September 8, 2011.

pp. On or about October 13, 2008, BATATO sent an e-mail to an advertiser, which included a screen capture of the Megaupload.com download page for the file "MyBlueBerryNights.part1.rar". The screen capture also contained an open browser window to the linking site www.mulinks.com.

qq. On or about October 14, 2008, BATATO sent an e-mail to an advertiser that contained two Megaupload.com links. One of the links directed to a file "DanInRealLife.part2.rar", which was a portion of an infringing copy of the copyrighted motion picture "Dan in Real Life."

rr. On or about October 25, 2008, VAN DER KOLK uploaded an infringing  copy of a copyrighted motion picture entitled "Taken 2008 DVDRip Repack [A Release Lounge H264 By Micky22].mp4" to Megaupload.com and e-mailed the URL link for the file to another individual. An infringing copy of this copyrighted work was still present as of October 27, 2011, on a server in the Eastern District of Virginia controlled by the Mega Conspiracy.

ss. On or about October 31, 2008, DOTCOM forwarded an e-mail to ORTMANN from a customer entitled "Sharebee.com" and stating that "Sharebee.com have uploaded over 1million files to megaupload in 2008." ORTMANN responded to DOTCOM that Sharebee.com was a "multifile hoster upload service." Sharebee.com allows the mass distribution of files to a number of file hosting and distribution services, including Megaupload.com, and creates clickable links to access that content from multiple sites.

tt. On or about November 17, 2008, DOTCOM forwarded an e-mail to ORTMANN from a customer that indicated "I just want to start of by saying that i love the site, but today i discovered something i would consider a flawd. I was watching a video of Myth Busters when i recived a message that said "You have watched 3079 minutes of video today"". ORTMANN responded to DOTCOM that this was the correct behavior of the service.

uu. On or about November 23, 2008, DOTCOM forwarded an e-mail to ORTMANN and ECHTERNACH from a non-premium customer that indicated "i guess we need to find a new hobby because watching pirated material via megavideo is now over-rated and ruined because of this video bandwidth limit."

vv. On or about November 23, 2008, DOTCOM received an e-mail from a Mega Site user entitled "video problems." The e-mail described, "I've been trying to watch Dexter episodes, but... the sound doesn't match up with the visual... I didn't choose to use your

SUBSTITUTE ASSETS

99. If any of the property described above, as a result of any act or omission of the defendants,

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to and intends to seek forfeiture of substitute property pursuant to 18 U.S.C. § 1963(m) and 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. §§ 982(b)(1) and 2323(b)(2), and 28 U.S.C. § 2461(c).

(Pursuant to 18 U.S.C. §§ 981, 982, 1963 & 2323; 21 U.S.C. § 853; 28 U.S.C. § 2461)

NEIL H. MACBRIDE
UNITED STATES ATTORNEY



JAY V. PRABHU
CHIEF, CYBERCRIME UNIT
ASSISTANT UNITED STATES ATTORNEY

RYAN K. DICKEY
ASSISTANT UNITED STATES ATTORNEY

LANNY A. BREUER
ASSISTANT ATTORNEY GENERAL
U.S. Department of Justice
Criminal Division

GLENN C. ALEXANDER
TRIAL ATTORNEY
U.S. Department of Justice
Computer Crime & Intellectual Property Section

A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office.

Foreperson of the Grand Jury

First Amended Complaint Exhibit 11

Enter words from a message subject you want to search for

File type filter

Find messages... ☐ With file attachments ☒ With or without files ☐ Without files

Sort order for search hits
☒ Date posted
☐ Subject
☐ Size

1996 matches were found on Giganews.
 Select or double-click the items you want to download. Right-click an item for options.

Subject	K bytes	Date Posted
Windows7 Part 1 - "Windows 7 Resource Kit - MS Press 2010 CD.iso" yEnc	82457	19-Nov-2010
Windows7 Part 1 [04/34] - "Introducing Windows 7 for Developers - MS Press 2010.pdf" yEnc	4391	19-Nov-2010
Windows7 Part 1 [05/34] - "Microsoft Windows 7 In Depth - Que 2010.pdf" yEnc	43027	19-Nov-2010
Windows7 Part 1 [06/34] - "Microsoft Windows 7 On Demand - Que 2010.pdf" yEnc	57740	19-Nov-2010
Windows7 Part 1 [08/34] - "Teach yourself visually Windows 7 - Wiley 2009.pdf" yEnc	113729	19-Nov-2010
Windows7 Part 1 [09/34] - "The Complete Windows 7 Shortcuts - The Windows Club 2010.pdf" yEnc	1559	19-Nov-2010
Windows7 Part 1 [10/34] - "The Computer Active Ultimate Guide to Windows 7.pdf" yEnc	40852	19-Nov-2010
Windows7 Part 1 [11/34] - "Windows 7 All-In-One for Dummies.pdf" yEnc	19040	19-Nov-2010
Windows7 Part 1 [12/34] - "Windows 7 Bible.pdf" yEnc	48127	19-Nov-2010
Windows7 Part 1 [14/34] - "Windows 7 Just the Steps for Dummies.pdf" yEnc	9107	19-Nov-2010
Windows7 Part 1 [15/34] - "Windows 7 Product Guide - 2009.pdf" yEnc	65667	19-Nov-2010
Windows7 Part 1 [17/34] - "Windows 7 Resource Kit - MS Press 2010.pdf" yEnc	37424	19-Nov-2010
Windows7 Part 1 [18/34] - "Windows 7 Secrets - Wiley 2009.pdf" yEnc	36309	19-Nov-2010
Windows7 Part 1 [19/34] - "Windows 7 Simplified - Wiley 2009.pdf" yEnc	31318	19-Nov-2010
Windows7 Part 1 [20/34] - "Windows 7 Step by Step - MS Press 2010.pdf" yEnc	29104	19-Nov-2010
Windows7 Part 1 [22/34] - "Windows 7 The Pocket Guide v1.0 - mintywhite 2009.pdf" yEnc	13313	19-Nov-2010
Windows7 Part 1 [25/34] - "Windows 7 for Dummies.pdf" yEnc	9380	19-Nov-2010
Windows7 Part 1 [26/34] - "Windows 7 for Seniors for Dummies.pdf" yEnc	19547	19-Nov-2010
+ Windows7 Part 2 - "Alles over Windows 7 - CHIP Special (Dutch).part01.rar" yEnc	50586	19-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.exe" - 846336 Byte	855	17-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.exe" - 846336 Byte	856	17-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.German.ISO-Tbe.exe" - 3097088 Byte	3083	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.German.ISO-Tbe.exe" - 324608 Byte	328	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.exe" - 324608 Byte	328	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.exe" - 324608 Byte	328	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.Deutsch.exe" - 324608 Byte	327	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.Deutsch Iso.exe" - 3097088 Byte	3083	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.Deutsch Iso.exe" - 324608 Byte	327	16-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.German.ISO-Tbe.exe" - 909573 Byte	912	14-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.exe" - 3097088 Byte	3084	14-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.exe" - 909573 Byte	911	14-Nov-2010
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.exe" - 3097088 Byte	3083	14-Nov-2010

Ex. 11, Pg. 1

Enter words from a message subject you want to search for

windows 7

Clear search history

File type filter

All types of file attachments

Modify Filters

Find messages...

☐ With file attachments

☒ With or without files

☐ Without files

Sort order for search hits

☒ Date posted

☐ Subject

☐ Size

Begin Search

Cancel Search

Search Properties

1996 matches were found on Giganews.

Select or double-click the items you want to download. Right-click an item for options.

Subject	K bytes	Date Posted
Angry Birds for PC (WindowsXP Windows7).rar	1697	3-Jun-2011
WINDOWS 7 ACTIVATER SOFTWARE - WINDOWS Windows 7 Loader v1 8 8-DAZ.rar	5226	3-Jun-2011
Windows Virtual Pc Windows Xp Mode For Windows 7-ZwtISO.exe	11525	3-Jun-2011
Windows Virtual Pc Windows Xp Mode For Windows 7.exe	11526	3-Jun-2011
Windows XP sp3 Romana si Windows7 romana, multiboot, S-ata, meni [compressed].rar	1055	30-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.rar" <<usenext>> "Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.rar"...	5233	29-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.rar" <<usenext>> "Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GE...	4189	29-May-2011
Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.rar	6270	29-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.exe" ghost-of-unsext.org "Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windo...	2132	28-May-2011
"500 Keyboard Shortcuts for Windows Xp + Windows 7 & Windows Vista....rar" usenext "500 Keyboard Shortcuts for Windows Xp + Windows 7 & Windows Vista....rar" yEnc	1061	28-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.rar" yEnc	5749	27-May-2011
"Microsoft.Press.Windows.Group.Policy.Resource.Kit.Windows.Server.2008.And.Windows.Vista-DDUISO.rar" - "Microsoft.Press.Windows.Group.Policy.Resource.Kit.Windo...	4190	27-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.rar" - "Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.rar" yEnc	10451	27-May-2011
"Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-TBE.rar" - "Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7.GERMAN.ISO-T...	11493	27-May-2011
Windows XP sp3 Romana si Windows7 romana.exe	7695	23-May-2011
Microsoft.Press.Windows.Group.Policy.Resource.Kit.Windows.Server.2008.And.Windows.Vista-DDUISO.exe	10674	22-May-2011
Microsoft.Windows.Virtual.PC.Windows.XP.Mode.For.Windows.7-ZWTISO.exe	10674	22-May-2011
Windows Loader v2.0.1 (Windows7 Activator).exe	8558	22-May-2011
Windows7 Максимаа.exe	8559	22-May-2011
Windows 7 Fire X86 Windows 7 Professional.rar - "Windows 7 Fire X86 Windows 7 Professional.rar"	8840	21-May-2011
Windows.Phone.7.Building.Windows.Phone.Applications - [0/3] - "Windows.Phone.7.Building.Windows.Phone.Applications.nzb" yEnc	12	21-May-2011
"Windows 7 Fire X86 Windows 7 Professional.rar" - QUALITY - "Windows 7 Fire X86 Windows 7 Professional.rar" yEnc	3149	14-May-2011
Windows 7 Fire X86 Windows 7 Professional.rar "Windows 7 Fire X86 Windows 7 Professional.rar"	1059	14-May-2011
Windows 7 ThemePack Windows 7 - V1.0.rar "Windows 7 ThemePack Windows 7 - V1.0.rar"	1058	14-May-2011
Windows 8 Theme pack For Windows 7.rar "Windows 8 Theme pack For Windows 7.rar"	1058	14-May-2011
Windows Movie Maker 6.0. (For Windows 7).rar.rar "Windows Movie Maker 6.0. (For Windows 7).rar.rar"	1058	14-May-2011
Windows7 Gamer Edition x64.rar "Windows7 Gamer Edition x64.rar"	1058	14-May-2011
[DIY Windows theme] Official Windows7 tan Madobe Nanami.exe	10848	10-May-2011
IE9-Windows7-x64-enu.exe (Windows 7 64-bit (English)).exe	10844	10-May-2011
Windows 7 Crack (Windows7 now with updates).exe	10844	10-May-2011
Windows XP Latest Edition 2009 oct with Windows7 themes.exe	10845	10-May-2011
"Microsoft.Press.Windows.Group.Policy.Resource.Kit.Windows.Server.2008.And.Windows.Vista-DDUISO.rar" yEnc	2102	9-May-2011

Get Selected Files

Create .nzb file

Set Favorites

Search for Favorites

Close

Online: Idle

Online tasks: 0/0

Autoscan: Idle

Speed: 0 K

Adobe Acrobat Professional

Clear search history

File type filter

All types of file attachments

Modify Filters

Find messages...

☐ With file attachments

☒ With or without files

☐ Without files

Sort order for search hits

☒ Date posted

☐ Subject

☐ Size

Begin Search

Cancel Search

Search Properties

More than 2000 matches were found on Giganews. The first 2000 are shown below.
Select or double-click the items you want to download. Right-click an item for options.

Subject	K bytes	Date Posted
"Adobe Acrobat Professional X 10.0.0.396 Unattended.rar"	54334	20-Nov-2011
"Adobe Acrobat X Professional 10.0 (2010).rar"	61643	20-Nov-2011
"Adobe Acrobat X Professional 10.0.2.rar"	60596	20-Nov-2011
Adobe Acrobat Professional 8 0 0 Full with working crack.rar	119	20-Nov-2011
Adobe Acrobat Professional V8.exe	30380	20-Nov-2011
BEST WAREZ 2011 Adobe Acrobat 9 Professional 9.4.6 - Adobe Acrobat 9 Professional 9.4.6.rar	57141	8-Oct-2011
+ Adobe.Acrobat.9.Professional.Win.7 -- "Adobe.Acrobat.9.Professional.Win.7.part01.rar" yEnc	15207	15-Sep-2011
Adobe.Acrobat.9.Professional.Win.7 - [00/50] - "Adobe.Acrobat.9.Professional.Win.7.nzb" yEnc	216	15-Sep-2011
+ Adobe.Acrobat.9.Professional.Win.7 -- "Adobe.Acrobat.9.Professional.Win.7.part01.rar" yEnc	15207	31-Jul-2011
Adobe.Acrobat.9.Professional.Win.7 - [00/24] - "Adobe.Acrobat.9.Professional.Win.7.nzb" yEnc	82	31-Jul-2011
Adobe Acrobat 8 Professional - Adobe Acrobat 8 Professional .rar	60296	13-Jul-2011
Adobe Acrobat 9 Professional (2011) - Adobe Acrobat 9 Professional (2011) .rar	44188	28-Jun-2011
Adobe Acrobat Professional X 10.0.0.396 Unattended - Adobe Acrobat Professional X 10.0.0.396 Unattended .rar	39613	28-Jun-2011
Adobe Acrobat X Professional v.10.0.3 - Adobe Acrobat X Professional v.10.0.3 .rar	34329	28-Jun-2011
Adobe Acrobat v6.0 Professional GERMAN-PARADOX - Adobe Acrobat v6.0 Professional GERMAN-PARADOX .rar	31161	27-Jun-2011
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BY: _____


Melanie Poblete